

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9429 of 2010

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners in Crime No.88 of 2010 on the file of Station House Officer, Munagala Police Station, Nalgonda District, registered for the offences under Sections 447, 427, 506 read with 34 IPC.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor, representing the State.

3. A perusal of the record shows that petitioners are A.1 & A.2 and the second respondent is the *de facto* complainant in Crime No.88 of 2010. As per the allegations made in the complaint, on 21.06.2010, the petitioners trespassed in to the land of the second respondent and damaged the cotton crop. It is further alleged that the petitioners herein threatened the second respondent with dire consequences. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

-

5. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**^[1], **State of Haryana v. Bhajan Lal**^[2], **V.Y.Jose V State of Gurajat**^[3] and **Teeja Devi v. State of Rajasthan**^[4], I am of the considered view

that this is not a fit case to quash the criminal proceedings at the threshold.

6. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. A perusal of the record reveals that this court granted interim stay on 22.09.2010. Having regard to the facts and circumstances of the case and in view of the order dated 22.09.2010 passed by this court, the Station House Officer, Munagala Police Station is hereby directed not to arrest the petitioners/A.1 & A.2 till the completion of the investigation in Crime No.88 of 2010.

7. With the above direction, the criminal petition is dismissed. Miscellaneous petitions, pending if any, shall stand closed.

-
T.SUNIL CHOWDARY, J

Date: 24.02.2016
BSS

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

-
-
-
-
-
-
-
-
-

-
-
-
-
-
-
-
-
-
-
-
-
-

Date: 24.02.2016

BSS

-
- [\[1\]](#) AIR 1960 SC 866
 - [\[2\]](#) AIR 1992 SC 604
 - [\[3\]](#) (2009) 3 SCC 78
 - [\[4\]](#) 2015 (1) ACR 564 (SC)