

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1090 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.2 of 2016 on the file of Station House Officer, Chilkalguda Police Station, Hyderabad, registered under Section 420 IPC.

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Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant in Crime No.2 of 2016. As per the allegations made in the complaint, the second respondent and others paid an amount of Rs.13,50,000/- and Rs.5,00,000/- to the petitioner, who in turn promised to execute sale deeds. It is further alleged that the petitioner herein is postponing the execution of sale deeds with an ulterior motive to cheat the second respondent-complainant and others. The contention of the learned counsel for the petitioner is that the lis involved between the parties is purely civil in nature without any element of criminality. If this Court expresses any opinion with regard to the nature of the transaction, the same may cause prejudice to one of the parties to the proceedings. Whether the petitioner has committed the alleged offence or not will come to light during the course of investigation.

It is needless to say that the court has to take into consideration the allegations made in the complaint while exercising inherent jurisdiction under Section 482 Cr.P.C., in order

to quash the criminal proceedings at the initial stage of investigation. The court is not justified in embarking upon an enquiry to ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. It is a settled principle of law that the inherent power should not be exercised to stifle a legitimate investigation. If the allegations made in the complaint do not constitute the offence much less the offence alleged to have been committed by the petitioner, then this court can quash the proceedings in order to prevent abuse of process of court thereby to secure the ends of justice.

I have carefully perused the material available on record in order to ascertain whether the allegations made in the complaint are patently absurd and inherently improbable thereby to quash the proceedings. The material available on record is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

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.

The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of investigation.

Taking into consideration the facts and circumstances of the

case, the Station House Officer, Chilkalguda Police Station, Hyderabad, is hereby directed not to arrest the petitioner/accused in Crime No.2 of 2016 till completion of investigation.

With the above direction, the Criminal Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J

Date:03.02.2016

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[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)