

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7369 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/Accused No.4 in Cr.No.324 of 2015 on the file of Dundigal Police Station, Cyberabad registered for the offences punishable under Sections 419, 420, 468 and 471 of IPC.

2 Heard Sri Sai Gangadhar Chamarty, the learned counsel for the petitioner, Sri Y.Venkata Satyam, the learned counsel for the 2nd respondent and the learned Additional Public Prosecutor representing the State.

3 The petitioners is accused No.4 and the second respondent is the de-facto complainant in Cr.No.324 of 2015 on the file of Dundigal Police Station, Cyberabad. A perusal of the record reveals that, the mother of the 2nd respondent died on 10.12.1995. As per the allegations made in the complaint, the petitioner herein along with other accused executed a sale deed on 31.12.2009 as if the same was executed by the mother of the 2nd respondent. The gist of the allegations made in the complaint is that the petitioner and others played fraud and created sale deed dated 31.12.2009.

4 The contention of the learned counsel for the petitioner is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioner.

5 Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only. If this Court expresses any opinion touching the merits of the main case,

it will cause prejudice to one of the parties to the proceedings. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

6 Having regard to the facts and circumstances of the case on hand and also the principle laid down 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 proceedings at this stage.

7 The learned counsel for the petitioners submitted that the Station House Officer, Dundigal Police Station, may be directed not to arrest the petitioner pending investigation in the crime.

8 As seen from the record, on 17.08.2015, this Court granted interim stay of arrest of the petitioner. Having regard to the facts and circumstances of the case and also in view of the interim order passed by this Court dated 17.08.2015, the Station House Officer, Dundigal Police Station, Cyberabad is hereby directed not to arrest the petitioner who is accused No.4 in Cr.No.324 of 2015 on his file till completion of investigation.

8 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition,

shall stand closed.

T. SUNIL CHOWDARY, J

Date: 5th January, 2016

Kvsn

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

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

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

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