

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1763 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.4 in Crime No.801 of 2015 on the file of the Station House Officer, Jeedimetla Police Station, Cyberabad, registered for the offences under Sections 420, 423 and 120B I.P.C.

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

3. A perusal of the record reveals that the petitioner is accused No.4 and the second respondent is the *de facto* complainant in Crime No.801 of 2015.

4. As per the allegations made in the complaint, the second respondent purchased a plot No.480 admeasuring 500 square yards in Survey No.241 of Subash Nagar, Jeedimetla Village, Quthbullapur Municipality, Ranga Reddy District under a registered sale deed dated 15.01.1998. It is further alleged that accused Nos.1 to 3 have created an agreement of sale-cum-General Power of Attorney on 02.03.2009 and executed a sale deed in favour of accused No.4 on 06.05.2009 in respect of plot No.480.

5. The contention of the learned counsel for the petitioner is that the petitioner has constructed the house after obtaining necessary permission from the Greater Hyderabad Municipal Corporation. The gist of the allegations made in the complaint is that accused Nos.1 to 4 have cheated the second respondent.

6. Whether the petitioner is a *bona fide* purchaser for a valuable consideration or not will come to light during the course of investigation. While exercising the inherent power under Section 482 Cr.P.C., the Court has to take into consideration the allegations made

in the complaint only. The Court is not justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. The material placed before the Court is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

7. 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.

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

9. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Jeedimetla Police Station, Cyberabad, not to arrest the petitioner/A.4 in Crime No.801 of 2015 till completion of the investigation.

10. With the above direction, the Criminal Petition is dismissed.

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

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T.SUNIL CHOWDARY, J

Date: 12.02.2016

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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)