

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13696 OF 2010

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioner/accused No.7 in Cr.No.325 of 2010 on the file of Bommuru Police Station, East Godavari District, registered for the offences punishable under Section 420 r/w 34 of IPC.

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.7 and the second respondent is the de-facto complainant. As per the allegations made in the complaint, the accused No.1 sold away the society land admeasuring 1333.33 sq. yards vide layout No.624/85 in Sy.Nos.74/1A, 74/1B, 74/1C, 74/1D, 80/1A and 81/1B of Kukumpet village. It is further alleged that all the accused brought into existence the sale deed with an intention to cheat the Gram Panchayat.

4 Whether the petitioner has committed the alleged offence or not, will come to light during the course of investigation only. 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.

5 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.

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

7 On 19.01.2011 this Court granted interim stay of arrest of the petitioner in Cr.No.325 of 2010 on the file of Bommuru Police Station and the same has been in force till today. In that view of the matter, the Station House Officer, Bommuru Police Station is hereby directed not to arrest the petitioner in Cr.No.325 of 2010 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: 1st April, 2016.

Kvsn

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)