

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1437 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A1 to A3 in Crime No.28 of 2016 on the file of Station House Officer, Mancherial Police Station, Adilabad District registered for the offences under Sections 406 and 420 IPC.

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

3. The petitioners are A1 to A3 and second respondent is *de facto* complainant in Crime No.28 of 2016. As per the allegations made in the complaint, the second respondent collected money from the public and purchased an extent of 660 Sq.yards in survey Nos.202 and 203 of Mancherial Town in the name of petitioner No.1/A1, who is a Pastor, for construction of a prayer house. It is further alleged that in the year 2014, petitioner No.1/A1 by colluding with petitioner Nos.2 and 3/A2 and A3 sold away the said land to a Trust with an ulterior motive to cheat the second respondent. The gist of the allegations made in the complaint is that the petitioner No.1/A1 misappropriated the public funds and cheated the second respondent. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only.

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. Having regard to the facts and circumstances of the case, the Station House Officer, Mancherial Police Station, Adilabad District is hereby directed not to arrest the petitioners/A1 to A3 till completion of investigation in Crime No.28 of 2016.

7. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

February 09, 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)