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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.490 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.4 in Crime No.109 of 2015 on the file of the Station House Officer, Guntakal I Town Police Station, Anantapuram District, registered for the offences under Sections 418, 423, 465, 467, 471 and 109 I.P.C.

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

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 4 and the second respondent is the *de facto* complainant in Crime No.109 of 2015.

4. As per the allegations made in the complaint, the petitioners created an agreement of sale dated 02.10.2014 forging the signature of the second respondent with an ulterior motive to knock away the property of the second respondent. It is further alleged that petitioner Nos.2 to 4 helped petitioner No.1 for creating the agreement of sale.

5. The contention of the learned counsel for the petitioners is that the second respondent filed a false case against the petitioners.

6. A perusal of the record reveals that petitioner No.1 filed O.S.No.85 of 2015 on the file of the I Additional District Court, Anantapuram against the second respondent for specific performance in respect of the property covered under the agreement of sale dated 02.10.2014. It further reveals that petitioner No.1 filed I.A.No.456 of 2015 in O.S.No.85 of 2015 to direct the second respondent not to alienate the property and the same was allowed on 09.06.2015.

7. Whether the petitioners have committed the alleged offences or

not will come to light during the course of investigation only. 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.

8. Having regard to the facts and circumstances of the case and also the principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab**^[1] and **State of Haryana v. Bhajanlal**^[2], I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

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

10. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Guntakal I Town Police Station, Anantapuram District, not to arrest the petitioners/A.1 to A.4 in Crime No.109 of 2015 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

Date: 21.01.2016

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

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