

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1632 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A4 in Crime No.204 of 2015 on the file of Station House Officer, Chinthapally Police Station, Nalgonda District registered for the offences under Sections 177, 182, 193, 196, 197, 198, 219, 409, 418, 419, 420, 423, 465, 471 and 474 read with 109 IPC.

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

3. The petitioner is A4 and the respondent Nos.2 and 3 are *de facto* complainants in Crime No.204 of 2015. As per the allegations made in the complaint, the petitioner along with other accused manipulated revenue records and created sham and nominal documents. It is further alleged that the petitioner created false documents with an ulterior motive to deceive the respondent Nos.2 and 3. The contention of learned counsel for the petitioner is that the petitioner purchased Acs.10.04 guntas of land covered by different survey numbers situated in Thakkallapally village of Chinthapally Mandal in Nalgonda District from Ch.S.M.Giridhar Roy under registered sale deed dated 15.10.2014. He further contended that the concerned Revenue Authorities mutated the name of petitioner in the revenue records. A perusal of the record reveals that the petitioner filed O.S. No.5 of 2015 on the file of the court of Junior Civil Judge, Devarakonda for perpetual injunction against respondent Nos.2 and 3 herein. Whether the petitioner is bona fide purchaser of the land in question 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 petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case, the Station House Officer, Chinthapally Police Station, Nalgonda District is hereby directed not to arrest the petitioner/A4 till completion of investigation in Crime No.204 of 2015.

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 11, 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)