

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9511 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/Accused Nos.1 to 3 and 5 in Crime No.49 of 2016 on the file of the Station House Officer, Adoni III Town Police Station, Kurnool District, registered for the offences under Sections 468 and 506 read with 34 I.P.C. and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

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 3 and 5 and the first respondent is the *de facto* complainant in Crime No.49 of 2016.

4. As per the allegations made in the complaint, when the first respondent and his wife went to the house of A.1 on 06.09.2015, A.1 threatened and abused them in filthy language. It is further alleged that the petitioners herein abused the first respondent and his wife in the name of their case.

5. A perusal of the record reveals that petitioner No.3 herein filed O.S.No.1 of 2015 on the file of the II Additional District Judge, Kurnool at Adoni against the first respondent for specific performance of agreement of sale dated 01.11.2014. Petitioner No.3 got issued a legal notice on 11.02.2015 directed the first respondent to receive the balance sale consideration and executed a regular sale deed in his favour. A perusal of the record clearly reveals that civil suit is pending between petitioner No.3 and the first respondent. Petitioner No.4/A.5 is the scribe and petitioner No.1/A.1 is the attester of agreement of sale dated 01.11.2014. The contention of the first respondent is that the

petitioners herein created the agreement of sale dated 01.11.2014 with an ulterior motive to knock away his property. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings.

6. 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 petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners 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, Adoni III Town Police Station, Kurnool District, not to arrest the petitioners/Accused Nos.1 to 3 and 5 in Crime No.49 of 2016 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: 01.07.2016

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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)