

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5798 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-accused in Crime No.82 of 2017 on the file of the Station House Officer, Dandepalli Police Station, Mancherial District, registered for the offences punishable under Sections 420 and 468 of IPC.

2. Learned counsel for the petitioner submitted that the second respondent foisted a false case to harass the petitioner. He further submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioner; therefore, it is a fit case to quash the proceedings against the petitioner. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

3. A perusal of the record reveals that the petitioner is sole accused No.1 and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, the petitioner, who is the Village Revenue Officer, forged the signature of the second respondent-Tahsildar of Dandepally Mandal and created false documents with an ulterior motive. It is further alleged that the concerned Officials have issued charge memo to the petitioner for forging the signature of the Tahsildar.

4. While deciding the petitions 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. Whether the petitioner has committed the alleged offences or not will come to light during the course 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.

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 it is not a fit case to quash the criminal proceedings at the threshold.

6. Taking into consideration the facts and circumstances of the case and also the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**⁵, the Station House Officer, Dandepalli Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.82 of 2017 so far as the petitioner-accused is concerned.

7. With the above direction, the criminal petition is disposed of. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

July 18, 2017.
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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)

⁵ 5 (2014) 8 SCC 273