

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5419 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 4 in Crime No.505 of 2017 on the file of the Station House Officer, Jeedimetla Police Station, Cyberabad, registered for the offences punishable under Sections 120B, 406, 418 and 506 I.P.C.

2. The learned counsel for the petitioners submitted that the *lis* involved between the parties is purely civil in nature without any element of criminality. 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 petitioners.

3. The learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioners.

4. A perusal of the record reveals that the petitioners are accused Nos.1 to 4 and respondent Nos.2 and 3 are the *de-facto* complainants in Crime No.505 of 2017.

5. As per the allegations made in the complaint, respondent Nos.2 and 3 sold the property to the petitioners for an amount of Rs.4,90,00,000/-. It is further alleged that the petitioners herein paid only an amount of Rs.90,00,000/- to respondent Nos.2 and 3 and not Rs.1,30,00,000/- as pleaded by the petitioners. For one reason or other, the petitioners have not come forward to obtain the sale deed from respondent Nos.2 and 3. The entire controversy

revolves around the exact amount paid by the petitioners to respondent Nos.2 and 3.

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. Whether the petitioners have 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.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v. State of Gujarat³** and **Teeja Devi v. State of Rajasthan⁴**, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

8. 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 Bihar⁵**, the Station House Officer, Jeedimetla Police Station, Cyberabad, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273

Crime No.505 of 2017 so far as the petitioners/ accused Nos.1 to 4 are concerned.

9. With the above direction, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 10.07.2017
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