

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6140 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused No.1 in Crime No.60 of 2016 on the file of the Station House Officer, Komarolu Police Station, Prakasam District, registered for the offences under Sections 420, 463, 464, 467 and 120b IPC.

2. Learned counsel for the petitioners submitted that the aggrieved party has to approach the revenue authority for redressal and has no right whatsoever to initiate criminal proceedings. He further submitted that the petitioner has nothing to do with the issuance of pattadar pass books, therefore, it is a fit case to quash the proceedings. **Per contra**, learned Public Prosecutor for the State of Andhra Pradesh submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioner.

3. A perusal of the record reveals that the petitioner is accused No.1 and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, the petitioner herein along with revenue officials issued pattadar pass books in the name of Chinnakondur Venkataiah to an extent of Ac.7.74 cents in Sy.No.1005, Ac.3.98 cents in Sy.No.1011 and Ac.6.02 cents in Sy.No.1013 of Allinagaram

village. A perusal of the record also reveals that the Revenue Divisional Officer, Markapur, addressed a letter to the District Collector, Prakasam District, on 10.10.2016 for cancellation of the pattadar pass books issued in favour of Chinnakondur Venkataiah. The gist of the allegations made in the complaint is that the petitioner herein along with others cheated the second respondent to deprive his legal rights over the land in question.

4. 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 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 Gujarat**³ and **Teeja Devi v. State of**

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

Rajasthan⁴, 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, Komarolu Police Station, Prakasam District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.60 of 2016, so far as the petitioner/accused No.1 is concerned.

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

Date:26.07.2017
Rns

T.SUNIL CHOWDARY, J

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273