

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4567 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/sole accused in Crime No.18 of 2017 on the file of the Station House Officer, Narasaraopet II town Police Station, Guntur District, registered for the offences punishable under Sections 417 and 420 I.P.C.

2. Learned counsel for the petitioner submitted that the *lis* involved between the parties is purely civil in nature without any element of criminality. She further submitted that the first respondent foisted a false case against the petitioner.

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

4. A perusal of the record reveals that the petitioner is the sole accused and the first respondent is the *de facto* complainant in Crime No.18 of 2017. The first respondent entered into an agreement with the petitioner to purchase an extent of Ac.3.00 cents of land in D.No.208/A and Ac.1.61 cents of land in D.No.208/B2-3 of Chejerla Village, Nekarikallu Mandal, Guntur District. The first respondent filed O.S.No.57 of 2015 on the file of the Court of the XIII Additional District and Sessions Judge, Narasaraopet, for refund of the earnest money. In the complaint, the first respondent has taken a specific plea that the petitioner has no title to an extent of Ac.1.61 cents of land. The entire controversy revolves around whether an extent of Ac.1.61 cents of

land in D.No.208/B2-3 of Chejerla Village is Government land or patta land. The various queries raised by the learned counsel for the petitioner involves complexity of disputed questions of fact, which cannot be gone into while exercising the jurisdiction under Section 482 Cr.P.C.

5. 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.

6. 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.

7. 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,

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

Narasaraopet II town Police Station, Guntur District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.18 of 2017 so far as the petitioner/sole accused is concerned.

8. With the above direction, the Criminal Petition is disposed of.

9. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 19.06.2017
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