

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6193 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner / A.7 in Cr.No.270 of 2017 on the file of Station House Officer, Sircilla Police Station, registered for the offences punishable under section 387 r/w 34 of IPC.

2 The learned counsel for the petitioner strenuously submitted that even if the allegations made in the complaint are ex facie taken to be true and correct, no prima facie case is made out against the petitioner who is accused No.7. He further submitted that the petitioner is a law student, on the date of incident he went to Sircilla only to meet his cousin who is accused No.3 and hence this is a fit case to quash the proceedings against the petitioner.

3 Per *contra*, the learned Assistant Public Prosecutor representing the State of Telangana 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 petitioner is accused No.7 and the second respondent is the *de-facto* complainant in Cr.No.270 of 2017.

5 As per the allegations made in the complaint, the sister-in-law of the second respondent purchased Ac.0-08 guntas of land situated in outskirts of Vemulavada village six months back under a registered sale deed from one Kadari Mahender. As per the allegations made in the complaint, on 24.6.2017 the second

respondent was called to Surabhi hotel in Sircilla where accused Nos.1 to 3 directed him to resale the property purchased by his sister-in-law for the same price otherwise they will kill him. It is further alleged that the petitioner herein who is accused No.7 was also present at the time of the alleged incident that took place at Surabhi hotel in Sircilla.

6 While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. Whether the petitioner was present at the time of the alleged incident knowing fully well about the intention of the other accused or not will come to light during the course of investigation only. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

7 Having regard to the facts and circumstances of the case on hand and also the principle laid down in **R.P.Kapoor v. State of Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v State of Gurajat³** and **Teeja Devi v State of Rajasthan⁴**, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

8 Having regard to the facts and circumstances of the case and also the principle enunciated by the Supreme Court in **Arnesh**

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

Kumar v. State of Bihar⁵, the Station House Officer, Sircilla Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.270 of 2017 so far as the petitioner/accused No.7 is 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: 26th July, 2017
Kvsn



⁵ (2014) 8 SCC 273