

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5155 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners / A.4 and A.5 in Cr.No.200 of 2017 on the file of Station House Officer, II Town Police Station, Karimnagar, registered for the offences punishable under sections 420, 419, 465, 467, 468, 471, 120-B and 506 of IPC.

2 The learned counsel for the petitioners submitted that the second petitioner is only a witness to the document and no role was attributed to him, therefore, it is a fit case to quash the proceedings. He further submitted that the allegations made in the complaint do not constitute any offence much less the offence alleged to have been committed by the petitioners.

3 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 petitioners are accused Nos.4 and 5 and the second respondent is the *de-facto* complainant in Cr.No.200 of 2017.

5 It is the case of the second respondent that he is the owner of Plot Nos.238, 239, 240 and 241 to an extent of 484 sq. yards of Chintakunta village. It is further alleged that while going to Bombay, he handed over title deeds to the accused Nos.1 and 2. It is further alleged that the accused Nos.1 and 2 in collusion with

other accused created a GPA in favour of accused Nos.7 to 9 by impersonation. It is further alleged that accused Nos.7 to 9 sold the property to A.10 to A.13. As per the case of the prosecution, the petitioner No.2/ A.4 attested the document knowing fully well the about the role played by A.6. The gist of the allegations made in the complaint is that the petitioners herein along with others created a document by impersonation with an ulterior motive to deprive the legal rights of the second respondent and thereby cheated him.

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 petitioners have committed the alleged offences 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 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 this is not a fit case to quash the proceedings at this stage.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

8 Having regard to 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, II Town Police Station, Karimnagar is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.200 of 2017 in so far as the petitioners / accused Nos.4 and 5 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.

Date: 4th July, 2017
Kvsn

T. SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273