

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5629 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.319 of 2017 on the file of the Station House Officer, Meerpet Police Station, registered for the offences punishable under Sections 420, 468, 471, 447, 504 and 506 read with 34 I.P.C.

2. The learned counsel for the petitioners strenuously submitted that the alleged *lis* involved between the parties is purely civil in nature without any element of criminality. She further submitted that even if the allegations made in the complaint *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioners; therefore, it is a fit case to quash the proceedings.

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 the second respondent is the *de-facto* complainant in Crime No.319 of 2017.

5. As per the allegations made in the complaint, the petitioners herein in collusion with each other created a rectification deed vide document bearing No.1912/2017 dated 26.04.2017 with an ulterior motive to defeat the legal rights of the second respondent. It is further alleged that on 06.05.2017 at about 3:00 PM the

petitioners herein trespassed into the land of the second respondent. The gist of the allegations made in the complaint is that the petitioners herein created false documents and threatened the second respondent with dire consequences.

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 Punjab**¹, **State of Haryana v. Bhajan Lal**², **V.Y.Jose v. State of Gujarat**³ and **Teeja Devi v. State of Rajasthan**⁴, 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 Bihar**⁵, the Station House Officer, Meerpet Police Station, is hereby directed to follow the procedure

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

as contemplated under Section 41A Cr.P.C. in Crime No.319 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: 14.07.2017

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