

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.20785 of 2017

ORDER:

This petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings against the petitioners/Accused Nos.1 and 3 to 6 in Crime No.110 of 2017 on the file of Station House Officer, Mandamarri Police Station, Mancherial District, registered for the offences punishable under Sections 120B, 447, 427, 468 and 342 read with 149 I.P.C. and Section 3(1)(f)(a)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Sri Ghanta Rama Rao, the learned Senior Counsel appearing for the petitioners, strenuously submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioners. He further submitted that the third respondent foisted a false case against the petitioners as the police registered Crime Nos.30 and 31 of 2017 against him and his father. He also submitted that the *lis* involved between the parties is purely civil in nature without any element of criminality; therefore, it is a fit case to quash the proceedings.

3. The learned Assistant Government Pleader submitted that the allegations made in the complaint, *prima facie*, constitute the offences alleged to have been committed by the petitioners. He further submitted that this is not the stage to go into the merits of the main case in view of involvement of disputed questions of fact.

4. A perusal of the record reveals that the petitioners are accused Nos.1 and 3 to 6 and the third respondent is the *de-facto* complainant in Crime No.110 of 2017. It further reveals that the third respondent is an accused in Crime No.30 of 2017.

5. It is the case of the petitioners that one M.Sukanya and the fifth petitioner purchased huge extent of land under different sale deeds in the year 2008. It is the further case of the petitioners that the said Sukanya and the fifth petitioner herein sold the property to third parties. It is the further case of the petitioners that they have purchased the property from the vendees of Sukanya and fifth petitioner under different sale deeds in the year 2008. The case of the third respondent is that he also purchased huge extent of land under a registered sale deed, in the year 2014, from the fifth petitioner.

6. As per the allegations made in the complaint, the petitioners entered into the land of the third respondent by creating forged documents. It is further alleged that the petitioners herein threatened the third respondent.

7. The various queries raised by the learned Senior Counsel for the petitioners involve disputed questions of fact, which cannot be gone into at this stage. While deciding the petition filed under Article 226 of the Constitution of India, 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. The very purpose of investigation is to ascertain the truthfulness or

otherwise of the allegations made in the complaint. Whether the petitioners have committed the offences alleged or not will come to light during the course of investigation. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

8. 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 Gujarat³** 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.

9. 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, Mandamarri Police Station, Mancherial District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.110 of 2017 so far as the petitioners/Accused Nos.1 and 3 to 6 are concerned.

10. With the above direction, this Writ Petition is disposed of. As a sequel, miscellaneous petitions, pending if any in this Writ Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 29.06.2017
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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