

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.16923 OF 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A1 and A2 in Crime No.110 of 2016 on the file of the Station House Officer, Kukatpally Police Station, Hyderabad, registered for the offences punishable under Sections 468, 471 and 420 IPC.

2. Learned counsel for the petitioners submitted that the allegations made in the complaint do not constitute any offence, much less the offences punishable under Sections 468, 471 and 420 IPC. He further submitted that the agreement, dated 10-11-2011 is a genuine one.

3. Learned counsel for the 2nd respondent submitted that the petitioners herein have forged the agreement, dated 10-11-2011 and filed suit O.S.No.1217 of 2014 on the file of the V Additional District Judge, Ranga Reddy District, against the sister of late Vruddagiri and the 2nd respondent herein. He further submitted that the petitioners herein have forged the signature of late Vruddagiri and created an agreement, dated 10-11-2011 to knock away the property of 2nd respondent.

4. Learned Assistant Public Prosecutor for the State of Telangana submitted that the allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

5. A perusal of the record reveals that the petitioners are A1 and A2 and the 2nd respondent is the *de facto* complainant in Cr.No.110 of 2016. As per the allegations made in the complaint, the petitioners herein created an agreement, dated 10-11-2011 by forging the signature of late Vruddagiri. The gist of the allegations made in the complaint is that the petitioners have created an agreement, dated 10-11-2011 with an intention to cheat the 2nd respondent and others.

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. In view of pendency of civil suit, this Court is not inclined to express any opinion touching the merits of the main case. 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 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 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 BIHAR⁵**, the Station House Officer, Kukatpally Police Station, Hyderabad, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.110 of 2016 so far as the petitioners/A1 and A2 are concerned.

9. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 14-06-2017

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

Hsd

