

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5554 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 12 in Crime No.93 of 2017 on the file of the Station House Officer, Jagtial Town Police Station, Hyderabad, registered for the offence punishable under Sections 448, 420, 341, 427 and 506 read with 34 IPC.

2. Learned counsel for the petitioners submitted that the second respondent foisted a false case against the family members of A1. He further submitted that the second respondent did not produce the sale deed dated 16.02.2012 alleged to have been executed by the husband of the first petitioner. He further 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.

Per contra, learned Assistant Public Prosecutor for the State of Telangana submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioners.

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 12 and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, the second respondent purchased the house

bearing Dr.No.1-1-125 of Jagtial town, for a valuable consideration of Rs.20,00,000/- under a registered sale deed dated 16.02.2012 from the first petitioner's husband. It is further alleged that the petitioners herein occupied the house of the second respondent break open the lock in his absence and threatened him with dire consequences. The entire controversy revolves around who is the owner of the house bearing Dr.No.1-1-125 of Jagtial Town as on 21.04.2017.

4. 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 offence 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.

5. 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**

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

Rajasthan⁴, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

6. 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, Jagtial Town Police Station, Jagtial, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.93 of 2017.

7. With the above direction, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date: 13.07.2017
Rns

T.SUNIL CHOWDARY, J

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273