

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3556 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.3 and A.4 in Crime No.84 of 2017 on the file of the Station House Officer, Patancheru Police Station, Sangareddy District, registered for the offences punishable under Sections 427, 447, 323 and 506 I.P.C.

2. Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor for the State of Telangana.

3. A perusal of the record reveals that the second respondent filed a complaint before the Special Mobile Magistrate at Sangareddy, who in turn referred the matter to the Station House Officer, Patancheru Police Station, under Section 156(3) Cr.P.C. The Station House Officer, Patancheru Police Station, registered a case in Crime No.84 of 2017 against the petitioners and others for the offences punishable under Sections 427, 447, 323 and 506 I.P.C.

4. As per the allegations made in the complaint, the petitioners along with the other accused entered into the land of the second respondent. It is the case of the second respondent that the petitioners beat the second respondent and threatened him with dire consequences.

5. Learned counsel for the petitioners submitted that the *lis* involved between the parties is purely civil in nature.

6. Whether the dispute involved between the parties is civil in nature or not will come to light during the course of investigation. 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. 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, Patancheru Police Station, Sangareddy District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.84 of 2017 so far as the petitioners/A.3 and A.4 are concerned.

9. With the above direction, the Criminal Petition is disposed of.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 2014 (8) SCALE 250

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 01.06.2017
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