

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5788 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 3 in Crime No.218 of 2017 on the file of the Station House Officer, Chevella Police Station, Cyberabad, registered for the offences under Sections 468, 471, 447, 427 read with 34 IPC.

2. Learned counsel for the petitioners submitted that the second respondent foisted a false case against the petitioners with an ulterior motive to harass them. 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 offences alleged to have been committed by the petitioners.

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, the petitioners herein sold an extent of Ac.24.00 cents to Accused No.4 by creating false documents. It is further alleged that the petitioners herein sold the share of the second respondent to A4 in order to deprive the legal rights of

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

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 Rajasthan**⁴, 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

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

Court in **Arnesh Kumar v State of Bihar**⁵, the Station House Officer, Chevella Police Station, Cyberabad, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.218 of 2017 so far as the petitioners/A1 to A3 are concerned.

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: 18.07.2017
Rns

T.SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273