

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5457 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused No.2 in Crime No.21 of 2017 on the file of the Station House Officer, Dharur Police Station, Ranga Reddy District, registered for the offence punishable under Sections 420, 447, 341 and 506 IPC.

2. Learned counsel for the petitioner strenuously submitted that the second respondent filed the complaint at the behest of her husband with an ulterior motive to deprive the legal rights of the petitioner and others. He further submitted that the second respondent has no locus standi to challenge the agreement of sale cum GPA executed by her husband. ***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 petitioner.

3. A perusal of the record reveals that the petitioner is accused No.2 and the second respondent is the *de facto* complainant. A perusal of the record reveals that the husband of the second respondent owned an extent of Ac.2.00 cents of land in Survey No.115/E of Dharur village. As per the allegations made in the complaint, accused No.1 taking advantage of the bad habits of Govardhan Reddy, who

is husband of the *de facto* complainant, had fraudulently obtained the agreement of sale cum GPA dated 24.11.2016 in respect of an extent of Ac.1.00 cents of land in Survey No.115/E. It is further alleged that the petitioner herein in collusion with Accused No.1 created a sale deed dated 08.12.2016 in respect of an extent of Ac.0.20 guntas of land in Survey No.115/E. It is further alleged that the petitioner herein sold the property to third party on 17.01.2017 under a registered sale deed. The gist of the allegations made in the complaint is that the petitioner herein along with other accused cheated the husband 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 petitioner has 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 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 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 Bihar⁵**, the Station House Officer, Dharur Police Station, Ranga Reddy District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.21 of 2017 so far as the petitioner/accused No.2 is 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.

T.SUNIL CHOWDARY, J

Date: 11.07.2017
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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

