

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4781 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 and A.2 in Crime No.60 of 2016 on the file of the Station House Officer, Pegadapalli Police Station, Karimnagar District, registered for the offences punishable under Sections 420, 465, 468 and 471 read with 34 I.P.C.

2. The learned counsel for the petitioners strenuously 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. He further submitted that the second respondent foisted a false case against the petitioners due to village politics.

3. The learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioners.

4. A perusal of the record reveals that the petitioners are accused Nos.1 and 2 and the second respondent is the *de facto* complainant in Crime No.60 of 2016.

5. As per the allegations made in the complaint, the petitioners produced the revenue records by forging the signature of the then Tahsildar, Pegadapalli. The gist of the allegations made in the complaint is that the petitioners herein cheated the second respondent.

6. Whether the Village Revenue Officer has issued pattadar passbooks in the name of the petitioners 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 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.

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 Bihar**⁵, the Station House Officer, Pegadapalli Police Station, Karimnagar District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.60 of 2016 so far as the petitioners/A.1 and A.2 are concerned.

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

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

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

T.SUNIL CHOWDARY, J

Date: 23.06.2017

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