

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.3959 of 2018

ORDER:

This Petition is filed under Section 482 Cr.P.C by the petitioner/A.2 seeking to quash the proceedings against him in Crime No.268/2017 of Kurnool Taluk PS, Kurnool, registered for the offence under Section 420 IPC.

2) The facts of the complaint in brief are that the *defacto* complainant purchased a plot bearing No.85 in Sy.No.608/1 in an extent of Ac.0.0640 cents from A.1 and A.2. Thereafter, she came to know that one P.Seetharami Reddy filed a Writ Petition in respect of Sy.No.608/2 alleging that the Revenue Authorities as well as Endowment Authorities tried to dispossess part of his land admeasuring 275 sq.yards in Sy.No.608/2 of Kallur Village. In the said Writ Petition, the learned Government Pleader for Revenue filed counter affidavit on behalf of Assistant Commissioner, Endowments Department, stating that Sri Veerabhadra Swamy Temple, Peta Kurnool, which is an ancient temple having an extent of Ac.19.40 cents of land in Sy.No.608/2 and an extent of Ac.2.11 cents in Sy.No.608/1. They also claimed that the deity was already issued pattedar passbooks and title deeds for the said lands. The *defacto* complainant thus alleged that the accused have cheated her by selling the above mentioned Endowment land in Sy.No.608/1 without having any valid title and possession.

- 3) Investigation is reported to be pending.
- 4) Learned counsel for petitioner would submit that the petitioners were the absolute owners of the lands sold to the *defacto* complainant and they sold the plot in the year 2008 and put her in possession of the plot which she has been enjoying since then and now without any basis, she filed the complaint.
- 5) It is seen that the investigation is at the inceptional stage and the truth has to be exhumed only after thorough investigation. Therefore, the investigation can be proceeded with. However, the Investigating Officer shall strictly follow the guidelines rendered by Hon'ble Apex Court in the decision reported in *Arnesh Kumar vs. State of Bihar*¹ and also the procedure contemplated under Section 41-A Cr.P.C towards the petitioner/A.2 during the course of investigation. In turn, the petitioner/A.2 shall cooperate with the investigating agency for smooth completion of investigation.
- 6) Accordingly, this Criminal Petition is disposed of.

As a sequel, miscellaneous applications pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 11.04.2018
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¹ AIR 2014 SC 2756