

THE HON'BLE MRS JUSTICE ANIS
CRIMINAL PETITION No.2997 of 2015

ORDER:

This Criminal Petition is filed by the petitioner, under Section 482 of Cr.P.C., to quash the proceedings in Crime No.39 of 2015 of Paravada Police Station, Visakhapatnam for the offences punishable under Sections 420, 468 and 471 I.P.C.

Heard the learned counsel for the petitioner and learned Public Prosecutor for the State.

Learned counsel for the petitioner submits that, with regards withdrawal of investment by respondent No.2 in the petitioner - Company, disputes arose and, a private complaint was filed before the Special Court for Economic Offences, Metropolitan Criminal Court, Nampally, against respondent No.2 and, subsequently, another private complaint was also filed against respondent No.2 despite which, the police has not taken any action till date, whereas respondent No.2 filed a complaint on baseless allegations based on which, Crime No.39 of 2015 was registered and, therefore seeks for quashment of Crime No.39 of 2015 of Paravada Police Station.

Learned Public Prosecutor submitted that the investigation is still at the prima stage, and the petitioner is not entitled for quashing of Crime No.39 of 2015.

A perusal of the material available on record would go to show that the offences alleged relates to disputes between the petitioner and respondent No.2 regarding withdrawal of investment by way of shares in the petitioner – Company. The contention of the petitioner that, pending criminal cases filed by the petitioner, continuation of investigation on the complaint of respondent No.2 is nothing but an abuse of process of law, cannot be considered at this stage since investigation is not yet complete.

The allegations made in the complaint involves complexity of disputed questions of fact, which cannot be gone into while exercising the inherent jurisdiction under Section 482 of Cr.P.C. While deciding this type of petitions

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. It is settled principle of law that the Court shall not stifle the legitimate investigation more particularly at the initial stage of investigation. The material available on record is *prima facie* sufficient to investigate into the matter in order to ascertain truthfulness or otherwise of the allegations made in the complaint.

Having regard to the facts and circumstances of the case and also the principles enunciated by the Hon'ble Supreme Court in **R.P. Kapoor v State of Punjab and State of Haryana v. Bhajanlal**, I am of the view that it is not a fit case to quash the proceedings at the threshold.

Learned counsel for the petitioner submitted that the Station House Officer, Paravada Police Station, Visakhapatnam may be directed not to arrest the petitioner/accused till completion of investigation.

In view of the facts and circumstances of the case, the Station House Officer, Paravada Police Station is hereby directed not to arrest the petitioner/accused in Crime No.39 of 2015 till completion of investigation or filing of final report.

With the above directions, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

JUSTICE ANIS

Date: 10.04.2015

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