

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13823 of 2015

ORDER:

This criminal petition is filed under Section 482 of Cr.PC to quash the proceedings against the petitioners/A1 and A2 in Crime No.816 of 2015 on the file of the Station House Officer, Jubilee Hills Police Station, Hyderabad, registered for the offences under Sections 406, 420 and 506 IPC.

2. Heard learned counsel for the petitioners and learned Public Prosecutor representing the State.

3. The petitioners are A1 and A2 and second respondent is *de facto* complainant in Crime No.816 of 2015. As per the allegations made in the complaint, the petitioners made false representation that they are authorised dealers of Eider Motors and believing such representation the second respondent constructed a show room at Hafeezpet, Hyderabad and deposited amounts towards dealership. It is further alleged that the company was not having RTA approval for sale of vehicles. It is also alleged that the petitioners wilfully and intentionally cheated the second respondent and also threatened him with dire consequences. A perusal of the record reveals that basing on the complaint lodged by the petitioners, the Station House Officer, Miyapur Police Station, Cyberabad registered a case in Crime No.762 of 2015 against MRCB EIDER MOTORS in which second respondent is one of the partners, for the offences under Sections 420, 406, 506 and 120B IPC. It is further alleged that there is an agreement between the petitioners and MRCB EIDER MOTORS. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the

proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

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 Gurajat**^[3] and **Teeja Devi v. State of Rajasthan**^[4], I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

6. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. Having regard to the facts and circumstances of the case, the Station House Officer, Jubilee Hills Police Station is hereby directed not to arrest the petitioners/A1 and A2 till completion of the investigation in Crime No.816 of 2015.

7. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

December 28, 2015.
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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)