

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13760 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.250 of 2015 of Kakinada I Town Police Station, Kakinada, East Godavari District, registered for the offence punishable under Sections 420 and 506 IPC.

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

A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, the petitioner has been running the chit business unauthorisedly in Kakinada town in which the second respondent is one of the members. It is further alleged that the petitioner herein has taken an amount of Rs.15,00,000/- from the second respondent stating that he will start partnership business along with the second respondent. It is further alleged that the petitioner herein postponing the payment of money with an ulterior motive to deceive the second respondent. The further case of the prosecution is that the petitioner herein threatened the second respondent with dire consequences, if he asks for return of the money. Whether the petitioner has been running the chit business unauthorisedly and cheated the second respondent or not will come to light during the course of investigation only. If this Court expresses any opinion, the same may cause prejudice to one of the parties to the proceedings.

It is needless to say that the court has to take into consideration the allegations made in the complaint while exercising inherent jurisdiction under Section 482 Cr.P.C., in order to quash the criminal proceedings at the initial stage of investigation. The court is not justified in embarking upon an enquiry to

ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. It is a settled principle of law that the inherent power should not be exercised to stifle

a legitimate investigation. If the allegations made in the complaint do not constitute the offence much less the offence alleged to have been committed by the petitioner, then this court can quash the proceedings in order to prevent abuse of process of court thereby to secure the ends of justice.

I have carefully perused the material available on record in order to ascertain whether the allegations made in the complaint are patently absurd and inherently improbable thereby to quash the proceedings. The material available on record is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

Having regard to the facts and circumstances of the case and also the principle enunciated in ***R.P.KAPOOR v. STATE OF PUNJAB, STATE OF HARYANA v. BHAJAN LAL, V.Y.JOSE V STATE OF GURAJAT AND TEEJA DEVI v. STATE OF RAJASTHAN***, I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of investigation.

Having regard to the facts and circumstances of the case, the Station House Officer, Kakinada I Town Police Station, Kakinada, East Godavari District, is hereby directed not to arrest the petitioner/accused in Crime No.250 of 2015 till completion of investigation.

With the above direction, the Criminal Petition is dismissed.

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

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T.SUNIL CHOWDARY, J

Date:23.12.2015

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