

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.2513 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/A.1 to A.3 in Cr.No.418 of 2014 on the file of Karimanagar I Town Police Station, registered for the offence punishable under Section 420 IPC.

2 Heard Sri M.W.R.Jayakar, learned counsel for the petitioners and the learned Public Prosecutor.

3 A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the second respondent is the de-facto complainant in Cr.No.418 of 2014. As per the allegations made in the complaint, the petitioners herein have agreed to pay an amount of Rs.1,22,50,000/- to the second respondent. The learned counsel for the petitioners submitted that the petitioners have to pay the amount after transfer of the property mentioned in the agreement only. It seems that there are civil disputes between the petitioners and the second respondent.

4 The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. 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 on hand and also the principle laid down in **R.P.Kapoor v. State of Punjab** and **State of Haryana v. Bhajan Lal**, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

6 The learned counsel for the petitioners submitted that the Station House Officer, Karimanagar I Town Police Station may be directed not to arrest the petitioners pending investigation in the crime.

7 In view of the principle laid down by the Hon'ble apex Court in **Arnesh Kumar v State of Bihar**, the Station House Officer, Karimanagar I Town Police Station is hereby directed to follow the procedure as contemplated under Section 41 A of Cr.P.C., in Cr.No.418 of 2014 so far as the petitioners/A.1 to A.3 are concerned.

8 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J.

Date: 02.04.2015.

Kvsn