

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3439 of 2015

ORDER:

_____ This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.1 in Crime No.63 of 2015 of Kanchanbagh Police Station, Hyderabad City registered for the offences under Sections 385, 452 and 506 I.P.C.

2. _____ Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. _____ A perusal of the record reveals that the petitioner is accused No.1 and the second respondent is the *de facto* complainant in Crime No.63 of 2015.

4. _____ As per the allegations made in the complaint, the second respondent has been carrying on real estate business since five years. The second respondent developing the land in Survey Nos.114 and 115 of Gagan Pahad Village, Rajendra Nagar Mandal, Ranga Reddy District by obtaining necessary permission from the concerned Revenue Authorities. The petitioner without any right whatsoever blackmailing the second respondent in order to secure money from him. It is further alleged that the petitioner threatening the employees of the second respondent.

5. _____ While deciding the petition under Section 482 Cr.P.C., 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 at the initial stage of investigation. The material placed before the Court is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

6. Having regard to the facts and circumstances of the case and also the principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab**^[1] and **State of Haryana v. Bhajanlal**^[2], I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

7. The learned counsel for the petitioner submitted that the petitioner's both legs were amputated and therefore, the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

8. Taking into consideration the condition of the petitioner and also the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**^[3], the Station House Officer, Kanchanbagh Police Station, Hyderabad City is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C in Crime No.63 of 2015 so far as the petitioner/A.1 is concerned.

9. With the above direction, the Criminal Petition is dismissed.

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

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T.SUNIL CHOWDARY, J

Date: 28.04.2015

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] 2014 (8) SCALE 250