

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.15755 OF 2014

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioners/A.1 and A.2 in Cr.No.648 of 2013 on the file of Banjara Hills Police Station, Hyderabad, registered for the offences punishable under Section 420 of IPC.

2 Heard the learned counsel for the petitioner, learned counsel for the second respondent and the learned Additional Public Prosecutor representing the State.

3 A perusal of the record reveals that the petitioners are A.1 and A.2 and the second respondent is the de-facto complainant in Cr.No.648 of 2013. As per the allegations made in the complaint, the petitioners have taken an amount of Rs.1,30,00,000/- from the second respondent and promised to repay the same within ten days. Thereafter, in discharge of the said amount, the petitioners have given cheque for the said amount and requested the second respondent not to present the cheque in the bank for collection. However, the petitioners are postponing the payment on one pretext or the other. The gist of the complaint is that the petitioners have cheated the second respondent.

4 Whether the petitioners have cheated the second respondent or not will come to light during the course of investigation only. The contention of the learned counsel for the petitioners is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioner. 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 Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of 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, 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 proceedings at this stage.

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

7 On 24.08.2015 this Court granted interim stay of arrest of the petitioners in Cr.No.648 of 2013 on the file of Banjara Hills Police Station. Having regard to the facts and circumstances of the case and in view of the interim orders passed by this Court on 24.08.2015, the Station House Officer, Banjra Hills Police Station, Hyderabad is hereby directed not to arrest the petitioner in Cr.No.648 of 2013 till completion of investigation.

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: 4th December, 2015

Kvsn