

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9172 OF 2014

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner in Cr.No.217 of 2014 on the file of I Town Police Station, Khammam, registered for the offences punishable under Sections 420 and 506 of IPC.

2 Heard Sri Challa Srinivas Reddy, the learned counsel for the petitioner, Sri Y.Koteswar Rao, the learned counsel for the first respondent and the learned Additional Public Prosecutor representing the State.

3 The petitioner is accused and the first respondent is the de-facto complainant in Cr.No.217 of 2014 on the file of I Town Police Station, Khammam. As per the allegations made in the complaint, the petitioner borrowed an amount of Rs.4,50,000/- from the first respondent and postponing repayment of the said money on one pretext or the other. It is further alleged that the petitioner sold his house with an intention to deceive the first respondent.

4 The petitioner and the first respondent have been working in Police Department since long time. The contention of the learned counsel for the petitioner 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**^[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 proceedings at this stage.

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

7 On 25.09.2014 this Court granted interim stay of investigation in the above crime and the same has been in force till today.

8 Having regard to the fact that the interim order granted by this Court on 25.09.2014 is in force as on today, the Station House Officer, I Town Police Station, Khammam is hereby directed not to arrest the petitioner herein in Cr.No.217 of 2014 on his file, till completion of the investigation. However, it is made clear that the investigation in the said crime may go on.

8 With the above direction, 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: 20th November, 2015

Kvsn

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)