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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12649 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.2 in Crime No.48 of 2015 of Srikakulam Rural Police Station, Srikakulam District registered for the offence under Section 420 I.P.C.

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

3. A perusal of the record reveals that the petitioner is accused No.2 and the second respondent is the *de facto* complainant in Crime No.48 of 2015.

4. As per the allegations made in the complaint, accused No.1 collected huge amount from the second respondent and others by making a false promise that she will secure suitable jobs to them. It is further alleged that the petitioner is the brother of accused No.1. The gist of the complaint is that accused No.1 cheated the second respondent.

5. Whether the petitioner/A.2 has committed the alleged offence or not will come to light during the course of investigation only. While exercising the inherent power 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 concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

8. In view of the nature of the allegations made against the petitioner, the Station House Officer, Srikakulam Rural Police Station, Srikakulam District, is hereby directed not to arrest the petitioner/A.2 in Crime No.48 of 2015 till completion of the investigation.

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: 02.12.2015

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604