

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8042 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the Petitioner / A.2 in Cr.No.43 of 2015 on the file of Proddatur Police Station, YSR Kadapa District, registered for the offences punishable under Sections 9 (1) of Andhra Pradesh Gaming Act (Cricket Betting).

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

3 As per the allegations made in the complaint, on 28.02.2015, police seized an amount of Rs.1,50,000/- as well as betting slips from the first accused in the case. It is further alleged that the petitioner herein along with the other accused are collecting huge amounts from innocent persons under the guise of cricket betting.

4 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.

Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only. 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, Proddatur Police Station, YSR Kadapa District may be
directed not to arrest the petitioner pending investigation in the crime.

7 Having regard to the facts and circumstances of the case and
also in view of the submissions made by the learned counsel for the
petitioner, the Station House Officer, Proddatur Police Station, YSR
Kadapa District is hereby directed not to arrest the petitioner herein in
Cr.No.43 of 2015 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: 29th December, 2015

Kvsn

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

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