

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.408 of 2015

ORDER:

_____ This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.4 in Crime No.10 of 2014 of K.P.H.B. Colony Police Station, Cyberabad registered for the offences under Sections 406, 420, 506 and 120B 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.4 and the second respondent is the *de facto* complainant in Crime No.10 of 2014.

4. _____ As per the allegations made in the complaint, accused Nos.1 to 3 have cheated the second respondent. It is further alleged that accused Nos.1 to 3 have threatened the second respondent with dire consequences. The only allegation made against the petitioner is that he is the own brother of accused No.2.

5. _____ Whether the petitioner has committed the alleged offences 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. Learned counsel for the petitioner submitted that the petitioner is a Government employee, therefore, the concerned Station House Officer may be directed not to arrest the petitioner.

8. A perusal of the record reveals that this Court granted interim stay of arrest of the petitioner on 26.10.2015 and the same has been in force till date.

9. Taking into consideration the facts and circumstances of the case and also the orders of this Court dated 26.10.2015, the Station House Officer, K.P.H.B. Colony Police Station, Cyberabad, is hereby directed not to arrest the petitioner/A.4 in Crime No.10 of 2014 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

Date: 01.12.2015

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604