

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5866 of 2015

ORDER:

_____ This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioner/accused in Crime No.104 of 2014 on the file of the Station House Officer, Kanekal Police Station, Anantapur District registered for the offences punishable under Sections 406 and 420 IPC.

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 the accused and the second respondent is the *de facto* complainant in Crime No.104 of 2014. As per the allegations made in the complaint, on 20-12-2012 the petitioner herein pledged the spurious gold ornaments (bangles 4) and obtained loan of Rs.80,000/-. The gist of the allegations made in the complaint is that the petitioner herein cheated the Muthoot Finance Corporation Limited, Kanekal, Anantapur District. The petitioner herein filed PLC No.279 of 2013 on the file of the District Legal Services Authority, Anantapur against the 2nd respondent. The record further reveals that disputes are pending between the parties.

4. 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.

5. Having regard to the facts and circumstances of the case and also the principle enunciated 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 criminal proceedings at the threshold.

6. The learned counsel for the petitioner submitted that

the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case, the Station House Officer, Kanekal Police Station, Anantapur District is hereby directed not to arrest the petitioner/accused till completion of the investigation in Crime No.104 of 2014.

7. With the above direction, Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

-

T.SUNIL CHOWDARY, J

DATED: 16-12-2015.

Hsd

[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)