

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13964 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.1 in Crime No.128 of 2015 on the file of the Station House Officer, Lallaguda Police Station, Hyderabad, registered for the offences under Sections 420 and 506 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.1 and the second respondent is the *de facto* complainant in Crime No.128 of 2015.

4. As per the allegations made in the complaint, the petitioner entered into an agreement on 18.05.2015 with the second respondent to sell the house for a total consideration of Rs.16,60,000/- without disclosing the factum of mortgaging the house in question to Citi Bank, Hyderabad. In pursuance of the agreement of sale, the second respondent paid an amount of Rs.3,10,000/- to the petitioner towards advance. It is further alleged that the petitioner threatened the second respondent with dire consequences. The gist of the allegations made in the complaint is that the petitioner cheated the second respondent.

5. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation. 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. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Lallaguda Police Station, Hyderabad, not to arrest the petitioner/A.1 in Crime No.128 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: 29.12.2015

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604