

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13591 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners in Cr.No.148 of 2015 on the file of Annavaram Police Station, East Godavari District, registered for the offences punishable under Sections 384, 420, 471 and 506 r/w 34 of IPC.

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

3 The petitioners are accused and the second respondent is the de-facto complainant in Cr.No.148 of 2015 on the file of Annavaram Police Station. As per the allegations made in the complaint, the petitioners went to Annavaram village and demanded money from the 2nd respondent, otherwise, they will file complaints taking advantage of the cheque leaves available with them. It is further alleged that the 2nd petitioner used to obtain blank promissory notes and blank cheques from the son of the 2nd respondent. It is further alleged that the petitioners have threatened the 2nd respondent and his son with dire consequences. The gist of the allegations made in the complaint is that the petitioners herein are blackmailing the 2nd respondent and his son in order to extract money from them.

4 A perusal of the record reveals that criminal cases are pending between the petitioners and the son of the 2nd respondent. The contention of the learned counsel for the petitioners is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioners.

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. The allegations made in the complaint are, *prima facie*, sufficient to investigate into the matter. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only.

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, Annavaram Police Station, East Godavari District may be directed not to arrest the petitioners pending investigation in the crime.

7 Having regard to the facts and circumstances of the case, the Station House Officer, Annavaram Police Station, East Godavari District is hereby directed not to arrest the petitioners herein in Cr.No.148 of 2015 on his file, till completion of the investigation.

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: 18th December, 2015

Kvsn

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

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

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

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