

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5909 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the Petitioners / A.1 and A.2 in Cr.No.42 of 2015 on the file of Kotagir Police Station, Nizamabad District, registered for the offences punishable under Sections 420 and 506 of IPC.

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

3 A perusal of the record shows that the petitioners herein are A.1 and A.2 and the 2nd respondent is the de-facto complainant in Cr.No.42 of 2015. As per the allegations made in the complaint, the 2nd respondent supplied 34 quintals of rice to the petitioners. The petitioners paid an amount of Rs.5,10,000/- to the 2nd respondent. It is further alleged that the petitioners are postponing the payment of remaining amount of Rs.5.00 lakhs to the 2nd respondent with an ulterior motive. It is further alleged that the petitioners have threatened the 2nd respondent with dire consequences.

4 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. Whether the petitioners have 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 petitioners submitted that the Station House Officer, Kotagir Police Station, Nizamabad District may be directed not to arrest the petitioners pending investigation in the crime.

7 As seen from the record, on 07.07.2015 this court granted interim stay of arrest of the petitioners in Cr.No.42 of 2015 on the file of Kotagir Police Station, Nizamabad District and the same has been in force till today.

8 Having regard to the facts and circumstances of the case and also in view of the interim order grated by this Court on 07.07.2015, the Station House Officer, Kotagir Police Station, Nizamabad District is hereby directed not to arrest the petitioners who are A.1 and A.2 in Cr.No.42 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.

9 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)