

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5371 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioner/A3 in Crime No.348 of 2014 on the file of the Station House Officer, Marredpally Police Station, Hyderabad City registered for the offences punishable under Sections 406 and 420 read with 34 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 A3 and A7 and the second respondent is the *de facto* complainant in Crime No.348 of 2014. As per the allegations made in the complaint, the second respondent paid an amount of Rs.14.00 lakhs to the petitioner and A1, who in turn agreed to supply coal. It is further alleged that they have not supplied coal and thereby cheated the second respondent. It is also alleged that the petitioner along with others misappropriated the money of the second respondent. Whether the petitioner/A3 has committed the alleged offences or not will come to light during the course of investigation.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. 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 and also the principle enunciated in **R.P.Kapoor v. State of Punjab, State of Haryana v. Bhajan Lal, V.Y.Jose V State of Gurajat and Teeja Devi v. State of Rajasthan**, 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. A perusal of the record reveals that this court granted interim stay of arrest of petitioner/A3 on 24.6.2015. Having regard to the facts and circumstances of the case and also the interim order of this

court, the Station House Officer, Marredpally Police Station is hereby directed not to arrest the petitioner/A3 till completion of the investigation.

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

December 03, 2015.

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