

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3419 of 2015

ORDER:

_____ This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 and A.2 in Crime No.20 of 2015 of Inkollu Police Station, Prakasam District registered for the offences under Sections 409, 418 and 420 I.P.C.

2. _____ Heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. _____ A perusal of the record reveals that the petitioners are accused Nos.1 and 2 and the second respondent is the *de facto* complainant in Crime No.20 of 2015.

4. _____ As per the allegations made in the complaint, the petitioners along with others have allowed the ryots to lift red gram and other agricultural stock from the cold storage without intimating the same to the second respondent. The gist of the allegations made in the complaint is that the petitioners and others have cheated the second respondent.

5. _____ While deciding the petition 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 petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners till completion of the investigation.

8. In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**^[3], the Station House Officer, Inkollu Police Station, Prakasam District is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C in Crime No.20 of 2015 so far as the petitioners/A.1 and A.2 are concerned.

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

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Date: 28.04.2015

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] 2014 (8) SCALE 250