

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9736 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/Accused No.2 in Cr.No.275 of 2015 on the file of Jammalamadugu (Urban) Police Station, Y.S.R.Kadapa District, registered for the offences punishable under Section 420 IPC.

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

3 A perusal of the record reveals that the petitioner is accused No.2 and the 2nd respondent is the de-facto complainant in Cr.No.275 of 2015 on the file of Jammalamadugu (Urban) Police Station, Y.S.R.Kadapa District. As per the allegations made in the complaint, on 24.3.2014 the petitioner and her husband purchased sarees worth of Rs.4,09,500/- on credit basis from the second respondent. It is further alleged that the petitioner has been postponing the payment of the said amount with an evil intention to deceive the second respondent.

4 Whether the petitioner cheated the second respondent or not will come to light during the course of investigation only. The contention of the learned counsel for the petitioner is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioner. 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.

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, 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 proceedings at this stage.

6 The learned counsel for the petitioner submitted that the Station House Officer, Jammalamadugu (Urban) Police Station may be directed not to arrest the petitioner pending investigation in the crime.

7 On 09.10.2015 this Court granted interim stay of all further proceedings in the above crime and the same has been in force till today.

8 Having regard to the fact that the interim order granted by this Court on 09.10.2015 is in force as on today, the Station House Officer, Jammalamadugu (Urban) Police Station, is hereby directed not to arrest the petitioner/A.2 in Cr.No.275 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.

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: 23rd November, 2015

Kvsn