

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8713 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioners/A.1 and A.2 in Cr.No.96 of 2015 on the file of Jagtial Rural Police Station, Karimnagar District, registered for the offences punishable under Section 420 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 reveals that the petitioners are A.1 and A.2 and the 2nd respondent is the de-facto complainant in Cr.No.96 of 2015. As per the allegations made in the complaint, the petitioners have taken an amount of Rs.20.00 lakhs from the 2nd respondent for the purpose of real estate business. It is further alleged that the petitioners are postponing the payment of the said amount on one pretext or the other with an ulterior motive of deceive the 2nd respondent. It is further alleged that the petitioners have threatened the 2nd respondent with dire consequences.

4 Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only. 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.

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 petitioners submitted that the Station House Officer, Jagtial Rural Police Station may be directed not to arrest the petitioners pending investigation in the crime.

7 On 22.09.2015 this Court granted interim stay of arrest of the petitioners in Cr.No.96 of 2015 on the file of Jagtial Rural Police Station and the same has been in force till today. Having regard to the facts and circumstances of the case and in view of the interim orders passed by this Court on 22.09.2015, the Station House Officer, Jagtial Rural Police Station, is hereby directed not to arrest the petitioners who are accused Nos.1 and 2 in Cr.No.96 of 2015 till completion of investigation.

8 Accordingly, 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: 3rd December, 2015

Kvsn