

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3466 of 2015

ORDER:

_____ This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/Accused No.1 in Crime No.41 of 2015 of Peddapalli Police Station, Karimnagar District, registered for the offence under Sections 406, 468, 471 and 420 IPC read with Section 34 IPC.

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

A perusal of the record reveals that the petitioner is accused No.1 and the second respondent is the *de facto* complainant. The petitioner, second respondent and others have entered into a partnership deed dated 02.11.2012 to carry on ginning business in the name and style of M/s.Venkateshwara Ginning and Pressing Mill, Chinna Kalavala village, Sultanabad Mandal. As per the allegations made in the complaint, the petitioner herein has furnished the forged partnership deed in State Bank of Hyderabad, Peddapalli and operating the bank account of the partnership firm. It is further alleged that as per the terms and conditions of the partnership deed dated 02.11.2012, the petitioner and the second respondent have to operate the bank account jointly. Whether the petitioner has furnished the forged partnership deed to the State Bank of Hyderabad, Peddapalli or not will come to light during the course of investigation.

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 to ascertain the truthfulness or otherwise of the allegations made in the complaint at the initial stage of the 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.

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 view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar and another**^[3], the Station House Officer, Peddapalli Police Station, Karimnagar District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.41 of 2015, so far as the petitioner/Accused No.1 is concerned.

With the above direction, the Criminal Petition is dismissed.

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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27.04.2015
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- [\[1\]](#) AIR 1960 SC 866
- [\[2\]](#) AIR 1992 SC 604
- [\[3\]](#) 2014 (8) SCALE 250