

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12448 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.4 in Crime No.203 of 2015 of Pedavegi Police Station, West Godavari District registered for the offence under Section 420 read with 34 I.P.C.

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 accused No.4 and the second respondent is the *de facto* complainant in Crime No.203 of 2015.

4. As per the allegations made in the complaint, the petitioner supplied the maize seeds to the second respondent stating that the seeds will yield good crop. After harvesting the maize crop, the petitioner has taken the entire crop and issued a cheque in the name of the company in favour of the second respondent. The second respondent submitted the cheque for collection and the same was returned with an endorsement of 'insufficient funds'. The gist of the allegations made in the complaint is that the petitioner issued the cheque with an intention to deceive the second respondent.

5. While exercising the inherent power 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** and **State of Haryana v. Bhajanlal**, 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 petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

8. In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**, the Station House Officer, Pedavegi Police Station, West Godavari District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.203 of 2015 so far as the petitioner/A.4 is 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.

T.SUNIL CHOWDARY, J

Date: 26.11.2015

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