

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5991 OF 2014

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/Accused Nos.1, 4 to 8 in Cr.No.598 of 2013 on the file of III Town Police Station, Visakhapatnam, registered for the offences punishable under Sections 420 and 120-B 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 accused Nos.1 and 4 to 8 and the 2nd respondent is the de-facto complainant in Cr.No.598 of 2013 on the file of III Town Police Station, Visakhapatnam. As per the allegations made in the complaint, the petitioners have collected cheques from the office of the Excise department without any right whatsoever. It is further alleged that the petitioners have intentionally cheated the Excise department.

4 Whether the petitioners have cheated the Excise department 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, III

Town Police Station, Visakhapatnam may be directed not to arrest the petitioners pending investigation in the crime.

7 On 05.06.2014 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 05.06.2014 is in force as on today, the Station House Officer, III Town Police Station, Visakhapatnam is hereby directed not to arrest the petitioners who are accused Nos.1 and 4 to 8 in Cr.No.598 of 2013 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