

THE HON'BLE MRS JUSTICE ANIS
CRIMINAL PETITION No.2704 of 2015

ORDER:-

This Criminal Petition is filed under Section 482 of Cr.P.C., to quash the proceedings against the petitioner/ Accused in Crime No.56 of 2015 of Karimnagar Rural Police Station, Karimnagar district for the offences punishable under Sections 420, 448 and 506 of I.P.C.

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

3. Learned counsel for the petitioner submitted that the second respondent foisted a false case against the petitioner herein to harass him. He further argued that the second respondent converted the civil litigation in to criminal nature and there is no element of cheating. He further submitted that the petitioner herein is innocent and prayed the Court to quash the proceedings in Crime No.56 of 2015 of Karimnagar Rural Police Station.

4. Learned Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged. He further submitted that the investigation is not yet completed and prayed the Court to dismissed the petition.

5. The petitioner herein is the sole accused and the second respondent herein is the de-facto complainant in Crime No.56 of 2015. A perusal of the record reveals that the de-facto complainant has paid an amount of Rs.62,20,000/- to the petitioner herein and the petitioner herein has promised to executed a registered sale deed within 45 days but the petitioner has not executed the same and thus, cheated the second respondent.

6. Whether the petitioner herein cheated the second respondent or not, involves complexity of disputed questions of fact, which cannot be gone into while exercising the inherent jurisdiction under Section 482 of Cr.P.C. While deciding this type of petitions the Court has to take into consideration the allegations made in the complaint only. The Court is not be justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint. It is settled principle of law that the Court shall not stifle the legitimate investigation more particularly at the initial stage of investigation. The material available on record is *prima facie* sufficient to investigate into the matter in order to ascertain truthfulness or otherwise of the allegations made in the complaint.

7. Having regard to the facts and circumstances of the case and also the principles enunciated by the

Hon'ble Supreme Court in **R.P. Kapoor v State of Punjab** and **State of Haryana v. Bhajanlal**, I am of the view that it is not a fit case to quash the proceedings at the threshold.

8. Learned counsel for the petitioner submitted that the Station House Officer, Karimnagar Rural Police Station may be directed not to arrest the petitioner/Accused till completion of investigation.

9. In view of the facts and circumstances of the case, the Station House Officer, Karimnagar Rural Police Station is hereby directed not to arrest the petitioner/Accused in Crime No.56 of 2015 till completion of investigation or filing of report.

10. With the above directions, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

JUSTICE ANIS

April 06, 2015

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THE HON'BLE MRS JUSTICE ANIS

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