

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.11623 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner in Cr.No.164 of 2015 on the file of Bgumbazar Police Station, Hyderabad, registered for the offences punishable under Sections 420 and 506 of IPC.

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

3 The petitioner is accused No.1 and the second respondent is the de-facto complainant in Cr.No.164 of 2015 on the file of Begumbazar Police Station, Hyderabad. As per the allegations made in the complaint, the petitioner along with another approached the second respondent to purchase a house in the name of the accused No.2 by name P. Chandra Rao for an amount of Rs.23.00 lakhs and paid an amount of Rs.7,50,000/- as advance. It is further alleged that the petitioner and the other accused have forcibly taken away three cheques from the second respondent and presented the same for collection. The cheques presented by the accused were dishonoured on the ground 'funds insufficient'. It is further alleged that the accused threatened the second respondent with dire consequences. The gist of the allegations made in the complaint is that the petitioner herein along with another cheated the second respondent with an ulterior motive.

4 The contention of the learned counsel for the petitioner is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioner. 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 petitioner submitted that the Station House Officer, Bgumbazar Police Station may be directed not to arrest the petitioner pending investigation in the crime.

7 Taking into consideration the nature of allegations made in the complaint and in view of the principle laid down by the Hon'ble apex Court in **Arnesh Kumar v State of Bihar**, the Station House Officer, Begumbazar Police Station, Hyderabad is hereby directed to follow the procedure as contemplated under Section 41 A of Cr.P.C., in Cr.No.164 of 2015 so far as the petitioner/A.1 is concerned.

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: 12th November, 2015

Kvsn