

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8850 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 and A.2 in Crime No.39 of 2014 of Bellampalli I Town Police Station, Adilabad District registered for the offences under Sections 420 and 506 read with 34 I.P.C.

2. Heard the learned counsel for the petitioners, learned counsel for respondent Nos.2 to 4 and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioners are accused Nos.1 and 2 and respondent Nos.2 to 4 are the *de facto* complainants in Crime No.39 of 2014.

4. As per the allegations made in the complaint, respondent Nos.2 to 4 have paid an amount of Rs.45,50,000/- to petitioner No.1 as investment in the business. It is further alleged that the petitioners are postponing the payment of money to respondent Nos.2 to 4 on one pretext and other. It is also alleged that the petitioners have threatened respondent Nos.2 to 4 with dire consequences.

5. Whether the petitioners have cheated the respondent Nos.2 to 4 or not will come to light during the course of investigation only. 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. A perusal of the record reveals that this Court granted interim stay of arrest of the petitioners on 14.09.2015.

8. Taking into consideration the facts and circumstances of the case and also the earlier orders of this Court dated 14.09.2015, the Station House Officer, Bellampalli I Town Police Station, Adilabad District, is hereby directed not to arrest the petitioners/A.1 and A.2 in Crime No.39 of 2014 till completion of the investigation.

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: 01.12.2015

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