

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.10135 of 2014

ORDER:

This criminal petition is filed under Section 482 of Cr.PC to quash the proceedings against the petitioners/A1, A2, A4, A5 and A6 in Crime No.98 of 2014 on the file of the Station House Officer, Huzurabad Police Station, Karimnagar District, registered for the offences under Sections 406, 420, 468, 471 and 506 read with 34 IPC.

2. Heard Sri A. Prabhakar Rao, learned counsel for the petitioners, Sri M.Ram Mohan Reddy, learned counsel for the second respondent and learned Public Prosecutor representing the State.

3. The petitioners are A1, A2, A4, A5 and A6 and second respondent is *de facto* complainant in Crime No.98 of 2014. As per the allegations made in the complaint, the second respondent is a partner of M/s.Nagarjuna Milk Products having 5% share in profits and losses. The petitioners along with another (A3) forged the signatures of the second respondent and created partnership deed dated 31.1.2012 and retirement deed dated 31.3.2012 in order to cheat the second respondent by usurping 5% of her share in the firm. It is further alleged that the petitioners misappropriated the money of second respondent and also threatened her with dire consequences. The contention of learned counsel for the petitioners is that second respondent converted the civil dispute into criminal case. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. 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 and

also the principle enunciated in **R.P.Kapoor v. State of Punjab**^[1],
State of Haryana v. Bhajan Lal^[2], **V.Y.Jose V State of Gurajat**^[3]
and Teeja Devi v. State of Rajasthan^[4], I am of the considered view
that this is not a fit case to quash the criminal proceedings at the
threshold.

6. The learned counsel for the petitioners submitted that the
concerned Station House Officer may be directed not to arrest the
petitioners. Having regard to the facts and circumstances of the case,
the Station House Officer, Huzurabad Police Station is hereby directed
not to arrest the petitioners/A1, A2, A4, A5 and A6 till completion of the
investigation in Crime No.98 of 2014.

7. With the above direction, criminal petition is dismissed.
Miscellaneous Petitions, if any, pending in this Criminal Petition shall
stand closed.

T.SUNIL CHOWDARY, J.

December 28, 2015.

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)