

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3071 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/accused in Cr.No.839 of 2013 on the file of Banjara Hills Police Station, Hyderabad, registered for the offence punishable under Section 420 of IPC.

2 The learned counsel for the petitioner submitted that the allegations made in the complaint do not constitute the offences alleged against the petitioner. Heard the learned Public Prosecutor.

3 A perusal of the record reveals that petitioner is the sole accused and the second respondent is the de-facto complainant. As per the allegations made in the complaint, the petitioner owes an amount of Rs.4.00 lakhs to the second respondent. It is further alleged that the petitioner herein has been intentionally postponing repayment of Rs.4.00 lakhs and thereby cheated the second respondent.

4 While deciding the petition filed 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 the enquiry to ascertain the truthfulness or otherwise 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 against the petitioner.

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*** and ***State of Haryana v. Bhajan Lal***, I am of the 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, Banjara Hills Police Station, Hyderabad, may be directed not to arrest the petitioner pending investigation in the crime.

7 In view of the ratio laid down by the apex Court in ***Arnesh Kumar v State of Bihar***, the Station House Officer, Banjara Hills Police Station, Hyderabad is hereby directed to follow the procedure contemplated under Section 41-A of Cr.P.C., in Cr.No.839 of 2013.

8 With the above direction, this criminal petition is dismissed. As a sequel, the miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J.

Date: 06.04.2015.

Kvsn