

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1683 OF 2016

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/Accused Nos.1 and 2 in Cr.No.106 of 2014 on the file of Station House Officer, III Town Police Station, Nandyal, Kurnool District registered for the offences punishable under Sections 420, 323 and 506 r/w 34 of IPC.

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

3 The petitioners are accused Nos.1 and 2 and the first respondent is the de-facto complainant in Cr.No.106 of 2014. As per the allegations made in the complaint, the de-facto complainant supplied paddy worth of Rs.1,57,86,774/-to the petitioners in the year 2012. It is further alleged that the petitioners have paid an amount of Rs.1,16,19,000/- to the first respondent and agreed to pay the balance amount of Rs.41,67,774/- on 28.06.2012. It is further alleged that the first respondent supplied 200 bags of paddy to the petitioners on 09.01.2014. The gist of the allegations made in the complaint is that the petitioners are postponing the payment of money to the de-facto complainant with an ulterior motive in order to deceive him.

4 The contention of the learned counsel for the petitioners is that the lis between the parties is purely civil in nature without any element of criminality.

5 Whether the petitioners have committed the alleged offences

or not will come to light during the course of investigation only. 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.

6 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^[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 proceedings at this stage.

7 The learned counsel for the petitioners submitted that the Station House Officer, III Town Police Station, Nandyal, Kurnool District, may be directed not to arrest the petitioners pending investigation in the crime.

8 Taking into consideration the nature of allegations made in the complaint and having regard to the facts and circumstances of the case, the Station House Officer, III Town Police Station, Nandyal, Kurnool District is hereby directed not to arrest the petitioners who are accused Nos.1 and 2 in Cr.No.106 of 2014 on his file, till completion of investigation.

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: 11th February, 2016

Kvsn

[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)