

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.16610 OF 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.629 of 2016 of Chilkaalguda Police Station, Hyderabad City, registered for the offences punishable under Sections 420 and 506 I.P.C.

2. Respondent No.2 lodged a complaint with Chilkaalguda police against the petitioner alleging that the petitioner borrowed amounts from her on different occasions and the total amount borrowed was Rs.13,17,000/-, but she repaid only Rs.40,000/- so far. It is specifically alleged that the petitioner had borrowed money from her by making false promises and she had also taken gold ornaments from her and on the other hand, she is threatening her with dire consequences and thus, the petitioner allegedly committed offences punishable under Sections 420 and 506 I.P.C.

3. With regard to the offence punishable under Section 420 I.P.C., it is difficult to conclude at this threshold of investigation whether the petitioner committed such offence or not, but so far as the other offence punishable under Section 506 I.P.C. is concerned i.e., threatening respondent No.2 with dire consequences when she demanded for repayment of the amount and return of gold ornaments, though the same constitute an offence punishable under

Section 506 I.P.C., at this threshold of investigation, this Court is bound to look at the allegations made in the complaint i.e., F.I.R. and not more than that and to quash the proceedings at this threshold, the petitioner has to make out a strong *prima facie* case. Further, this Court cannot go into other material to decide whether the petitioner will be acquitted or convicted, before the commencement of trial and the disputed questions of fact cannot be gone into, in view of the law laid down by the Honourable Apex Court in **State of Orissa and another v. Saroj Kumar Sahoo**¹.

4. On the other hand, the complaint is only information to the concerned police about commission of a cognizable offence to set the criminal law into motion and the F.I.R. need not contain all minute details, since it is not an encyclopaedia of facts. Therefore, based on the allegations made in the complaint, it is difficult to quash the proceedings at this threshold.

5. In any view of the matter, since it is brought to the notice of this Court that police issued a notice under Sections 41A Cr.P.C. to the petitioner, after considering the reply of the petitioner, the investigating agency is directed to follow the guidelines issued by the Honourable Apex Court in **Arnesh Kumar v. State of Bihar**².

¹ (2005) 13 SCC 540

² 2014(2) ALT (Crl.) 457 (SC)

6. With the above direction, the Criminal Petition is disposed of at the admission stage. However, the petitioner is at liberty to renew her request at appropriate time. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

December 07, 2016.
MD

