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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.876 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.170 of 2015 on the file of the Station House Officer, Mandapeta Town Police Station, East Godavari District, registered for the offences under Sections 420 and 384 I.P.C.

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

3. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant in Crime No.170 of 2015.

4. As per the allegations made in the complaint, on 27.02.2012, the second respondent borrowed an amount of Rs.6,00,000/- from the petitioner. It is further alleged that the petitioner had taken three blank promissory notes, three blank cheques and original sale deeds in respect of the immovable property. It is also alleged that the petitioner filed false civil and criminal cases against the second respondent taking advantage of the blank promissory notes and blank cheques. The gist of the allegations made in the complaint is that the petitioner cheated the second respondent.

5. A perusal of the record reveals that civil and criminal cases are pending between the parties. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation.

6. 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.

7. 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.

8. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

9. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Mandapeta Town Police Station, East Godavari District, not to arrest the petitioner/accused in Crime No.170 of 2015 till completion of the investigation.

10. With the above direction, the Criminal Petition is dismissed.

11. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 04.02.2016

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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)