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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.672 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.2 in Crime No.224 of 2015 on the file of the Station House Officer, Kurnool II Town Police Station, Kurnool District, registered for the offence under Section 420 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 accused No.2 and the second respondent is the *de facto* complainant in Crime No.224 of 2015.

4. As per the allegations made in the complaint, the petitioner had obtained a bank loan by submitting forged documents. The gist of the allegations made in the complaint is that the petitioner cheated the second respondent with an ulterior motive.

5. The learned counsel for the petitioner submitted that the petitioner has been paying the EMD without any default.

6. Whether the petitioner has committed the alleged offence or not will come to light during the course of investigation only. 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,
Kurnool II Town Police Station, Kurnool District, not to arrest the
petitioner/A.2 in Crime No.224 of 2015 till completion of the
investigation. The petitioner is hereby directed to co-operate with the
investigating officer.

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: 29.01.2016

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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)