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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1659 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.3 to A.5 in Crime No.114 of 2015 on the file of the Station House Officer, Kaikaluru Town Police Station, Krishna District, registered for the offences under Sections 420, 354A1(i), 342, 384 and 120B read with 34 I.P.C.

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

3. A perusal of the record reveals that the petitioners are accused Nos.3 to 5 and the second respondent is the *de facto* complainant in Crime No.114 of 2015.

4. As per the allegations made in the complaint, the petitioners along with others have obtained mortgage deed from the husband of the second respondent by playing fraud. It is further alleged that the petitioners have obtained the signatures of the second respondent and her husband on 10 HDFC bank cheques and on Rs.100/- stamp paper. It is also alleged that the petitioners have threatened the second respondent and her family members with dire consequences.

5. The contention of the learned counsel for the petitioners is that the second respondent foisted a false case against the petitioners in order to save her husband.

6. A perusal of the record reveals that petitioner No.1/A.3 filed O.S.No.62 of 2015 on the file of the Court of the III Additional District Judge, Bhimavaram against the husband of the second respondent for recovery of an amount of Rs.45,45,600/-. It further reveals that petitioner No.1/A.3 filed I.A.No.748 of 2015 in O.S.No.62 of 2015 under

Order XXXVIII Rule 5 of C.P.C. and the same was allowed on 12.10.2015. 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 petitioners have committed the alleged offences or not will come to light during the course of investigation.

7. 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.

8. 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.

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

10. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Kaikaluru Town Police Station, Krishna District, not to arrest the petitioners/A.3 to A.5 in Crime No.114 of 2015 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

Date: 11.02.2016

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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)