

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.11452 OF 2015

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.155 of 2015 on the file of Narsapur Town Police Station, West Godavari District registered for the offences punishable under Section 323, 406, 420 and 506 (2) r/w 34 of IPC.

2 Heard Sri P.R.K.Amarendra Kumar, the learned counsel for the petitioners, Sri P.S.P.Suresh Kumar, the learned counsel for the 1st respondent 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.155 of 2015. As per the allegations made in the complaint, the first petitioner herein borrowed Rs.3.00 lakhs from the 1st respondent and executed a mortgage deed on 11.10.2011 by depositing title deeds. It is further alleged that the petitioners are postponing the payment of money on one pretext or the other with an ulterior motive to deceive the first respondent.

4 The contention of the learned counsel for the petitioners is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioners.

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, Narsapur Town Police Station, 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, Narsapur Town Police Station, West Godavari District is hereby directed not to arrest the petitioners who are accused Nos.1 and 2 in Cr.No.155 of 2015 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: 18th January, 2016

Kvsn

[\[1\]](#) AIR 1960 SC 866
[\[2\]](#) AIR 1992 SC 604
[\[3\]](#) (2009) 3 SCC 78
[\[4\]](#) 2015 (1) ACR 564 (SC)