

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.11226 of 2010

ORDER:

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This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-A1 in Crime No.117 of 2010 on the file of Station House Officer, Mogaltur Police Station, West Godavari District registered for the offences under Sections 403, 405, 408, 409, 463, 477-A and 420 read with 34 IPC.

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

3. The petitioner is A1 and the second respondent is *de facto* complainant in Crime No.117 of 2010. As per the allegations made in the complaint, the petitioner being the President of Kalipatnam Primary Agricultural Cooperative Societies Limited, Kalipatnam misappropriated Society's money to the tune of Rs.1,00,000/-. It is further alleged that the petitioner herein forged certain documents with an ulterior motive to cheat the Society.

4. The contention of the learned counsel for the petitioner is that the petitioner was falsely implicated in this case due to political pressures. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation.

5. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. 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 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.

7. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. A perusal of the record reveals that this court granted interim stay on 20.9.2010. Having regard to the facts and circumstances of the case and in view of the earlier orders of this court, the Station House Officer, Mogaltur Police Station is hereby directed not to arrest the petitioner-A1 till completion of investigation in Crime No.117 of 2010.

8. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

February 25, 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)