

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.14192 of 2015

ORDER:

_____ This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.1 in Crime No.217 of 2015 on the file of the Station House Officer, Visakhapatnam I Town Police Station, Visakhapatnam registered for the offences under Sections 420, 468, 471 and 506 read with 34 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.1 and the second respondent is the *de facto* complainant in Crime No.217 of 2015.

4. _____ As per the allegations made in the complaint, the second respondent and others paid an amount of Rs.30,00,000/- to the petitioner and others for business purpose. It is further alleged that the petitioner threatened the second respondent with dire consequences. The gist of the allegations made in the complaint is that the petitioner herein along with others cheated the second respondent.

5. _____ 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.

6. _____ Having regard to the facts and circumstances of the case and also the principles enunciated by the Supreme Court in **R.P.Kapoor v.**

State of Punjab^[1] and State of Haryana v. Bhajanlal^[2], I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

7. 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.

8. Taking into consideration the facts and circumstances of the case and also the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**^[3], the Station House Officer, Visakhapatnam I Town Police Station, Visakhapatnam, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C in Crime No.217 of 2015 so far as the petitioner/A.1 is concerned.

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

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

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T.SUNIL CHOWDARY, J

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Date: 04.01.2016

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] 2014 (8) SCALE 250