

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3695 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.1 in Crime No.60 of 2016 on the file of the Station House Officer, Ravulapalem Police Station, East Godavari District, registered for the offence under Section 420 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.60 of 2016.

4. As per the allegations made in the complaint, the second respondent purchased a vehicle bearing No.AP 04 TT 0621 from the petitioner by paying an amount of Rs.11,05,000/-. It is further alleged that the transport authorities transferred the said vehicle in the name of the second respondent in the year 2015. It is also alleged that on 25.11.2015, the police, Madanapalli seized the said vehicle on the ground that it is a theft vehicle.

5. Whether the petitioner has committed the alleged offence or not will come to light during the course of investigation. 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 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 it 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 till completion of the investigation.

8. Having regard to the peculiar facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Ravulapalem Police Station, East Godavari District, not to arrest the petitioner/A.1 in Crime No.60 of 2016 till completion of the investigation.

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

Date: 18.03.2016

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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)