

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY
CRIMINAL PETITION No.776 of 2010

ORDER:

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This petition is filed under Section 482 Cr.P.C., to quash the proceedings in Cr.No.81 of 2010 on the file of the Patamata Police Station, Vijayawada, Krishna District, registered for the offences punishable under Sections 403, 406 and 420 IPC.

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

3. A perusal of the record reveals that the petitioners are A1 and A2 and the second respondent is *de facto* complainant in Crime No.81 of 2010. As per the allegations made in the complaint, on 24.02.2010, the petitioners herein taken away electrical and electronic goods worth of Rs.8,00,000/-, which belongs to the 2nd respondent with an ulterior motive to cheat him. It is further alleged that the petitioners threatened 2nd respondent with dire consequences.

4. The contention of the learned counsel for the petitioners is that the second respondent foisted a false case against the petitioners to take vengeance against them. 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.

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 petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. A perusal of the record reveals that this court granted interim stay on 03-02-2010 for a period of six weeks. Having regard to the facts and circumstances of the case and in view of the earlier orders of this court, the Station House Officer, Patamata Police Station, Vijayawada, Krishna District, is hereby directed not to arrest the petitioners-A1 and A2 till completion of investigation in Crime No.81 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

DATED: 10.03.2016.

Hsd

[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)