

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners/A3 to A6 in Crime No.155 of 2016 on the file of Station House Officer, Langer House Police Station, registered for the offence punishable under Sections 406 and 420 IPC.

2. Heard the learned counsel for the petitioners and learned Public Prosecutor.

3. The petitioner Nos.1 to 4 are A5, A4, A6 and A3 respectively and the second respondent is *de facto* complainant in Crime No.155 of 2016. A perusal of the record reveals that A1 run the chit business and failed to repay the amount to the second respondent. As per the allegations made in the complaint, the petitioners herein threatened the second respondent with dire consequences. The petitioner Nos.1 to 3/A5, A4 and A6 are children, petitioner No.4/A3, is brother of A1. The petitioner Nos.1 to 3 are students and petitioner No.4 is RTC driver. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only.

4. 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.

5. 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.

6. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioner Nos.1, 2 and 4/A5, A4 and A3 respectively. Taking into

consideration the fact that the petitioner Nos.1 and 2 are students and petitioner No.4 is RTC driver, the Station House Officer, Langer House Police Station, is hereby directed not to arrest the petitioner Nos.1, 2 and 4/A5, A4 and A3 till completion of investigation in Crime No.155 of 2016.

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

T. SUNIL CHOWDARY, J

July 01, 2016

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

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

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

[\[4\]](#) (2014) 15 SCC 221