

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1668 OF 2016

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/Accused Nos.9 and 10 in Cr.No.7 of 2016 on the file of Central Crime Station, Hyderabad registered for the offences punishable under Section 406, 420, 423, 468, 471 and 120-B r/w 34 of IPC.

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

3 The petitioners are accused Nos.9 and 10 and the second respondent is the de-facto complainant in Cr.No.7 of 2016. As per the allegations made in the complaint, the officials of the IDBI Bank sanctioned loan to accused Nos.1 to 7 without properly scrutinizing or verifying the loan documents. It is further alleged that the petitioners herein have intentionally did not furnish the necessary information to the 2nd respondent. A perusal of the record reveals that the Bank has filed O.A.No.616 of 2016 on the file of the Debt Recovery Tribunal, Hyderabad against A.1 to A.7 for recovery of an amount of Rs.14,49,75,705/-.

4 The contention of the learned counsel for the petitioners is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioners.

5 Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the

complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. 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 on hand and also the principle laid down 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 proceedings at this stage.

7 The learned counsel for the petitioners submitted that the Station House Officer, Central Crime Station, Hyderabad may be directed not to arrest the petitioners pending investigation in the crime.

8 Taking into consideration the nature of the employment of the petitioners and having regard to the facts and circumstances of the case, the Station House Officer, Central Crime Station, Hyderabad is hereby directed not to arrest the petitioners who are accused Nos.9 and 10 in Cr.No.7 of 2016 pending completion of the investigation.

8 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 10th February, 2016

Kvsn

[\[1\]](#) AIR 1960 SC 866
[\[2\]](#) AIR 1992 SC 604
[\[3\]](#) (2009) 3 SCC 78
[\[4\]](#) 2015 (1) ACR 564 (SC)