

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3764 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-accused in Crime No.60 of 2016 on the file of Station House Officer, Madhira Town Police Station, Khammam District registered for the offence punishable under Section 420 IPC.

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 sole accused and the third respondent is *de facto* complainant in Crime No.60 of 2016. As per the allegations made in the complaint, the petitioner issued four cheques worth Rs.28,00,000/- in favour of the third respondent, who in turn presented the cheques in the Bank for encashment and the same were dishonoured for want of sufficient funds. The gist of the allegations made in the complaint is that the petitioner issued cheques with an intention to cheat the third respondent. Whether the petitioner has committed alleged offence or not will come to light during the course of investigation.

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 petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case, the Station House Officer, Madhira Town Police Station is hereby directed not to arrest the petitioner-accused till completion of investigation in Crime No.60 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

March 18, 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