

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7102 of 2010

ORDER:

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This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-A1 in Crime No.396 of 2009 on the file of Station House Officer, Narayanaguda Police Station, Hyderabad District registered for the offences punishable under Section 120B, 406, 409, 417 and 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 A1 and the first respondent is *de facto* complainant in Crime No.396 of 2009. As per the allegations made in the complaint, on 04.7.2009 after receipt of the raw data, the first respondent processed the same and submitted the finished work to the petitioner. Subsequently, the first respondent raised invoice for an amount of Rs.1,44,000/-. For one reason or the other, the petitioner did not choose to pay the amount. The gist of the allegations made in the complaint is that the petitioner cheated the first respondent in connivance with A2 and A3. Whether the petitioner has committed the alleged offences 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. A perusal of the record reveals that this court granted interim stay on 20.7.2010. Having regard to the facts and circumstances of the case and in view of the interim orders of this court dated 20.7.2010, the Station House Officer, Narayanaguda Police Station is hereby directed not to arrest the petitioner-A1 till completion of investigation in Crime No.396 of 2009.

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 17, 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