

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.133 of 2016

ORDER:

This criminal petition is filed under Section 482 of Cr.PC to quash the proceedings against the petitioner/A2 in Crime No.192 of 2015 on the file of the Station House Officer, Ongole II Town Police Station, Prakasam District registered for the offences under Sections 420, 506 and 509 read with 34 IPC.

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

3. The petitioner is A2 and second respondent is *de facto* complainant in Crime No.192 of 2015. As per the allegations made in the complaint, the petitioner and A1 borrowed money from others for which the second respondent stood as surety. It is further alleged that the petitioner and A1 cheated the second respondent. It is also alleged that the petitioner and A1 threatened the second respondent with dire consequences. 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. Having regard to the facts and circumstances of the case, the Station House Officer, Ongole II Town Police Station, is hereby directed not to arrest the petitioner/A2 till completion of the investigation in Crime No.192 of 2015.

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.

January 06, 2016.

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

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

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

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