

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1750 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.3 in Crime No.320 of 2015 on the file of the Station House Officer, RGI Airport Police Station, Cyberabad, registered for the offence under Section 420 I.P.C.

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

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the second respondent is the *de facto* complainant in Crime No.320 of 2015.

4. As per the allegations made in the complaint, the petitioners made a false promise that they are having experience in transport business and requested the second respondent to invest money. It is further alleged that the second respondent paid an amount of Rs.25,00,000/- on 15.08.2015 to the petitioners. It is also alleged that the petitioners left the village after receiving of Rs.25,00,000/-. The gist of the allegations made in the complaint is that the petitioners have cheated the second respondent.

5. Whether the petitioners have committed the alleged offence or not will come to light during the course of investigation. While exercising the inherent power under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court is not justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. The material placed before the Court is *prima facie* sufficient to investigate into the matter

in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

6. 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.

7. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners till completion of the investigation.

8. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, RGI Airport Police Station, Cyberabad, not to arrest the petitioners/A.1 to A.3 in Crime No.320 of 2015 till completion of the investigation.

9. With the above direction, the Criminal Petition is dismissed.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

-

T.SUNIL CHOWDARY, J

Date: 12.02.2016

lvd

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)