

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.716 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/sole accused in Crime No.5 of 2016 on the file of the Station House Officer, Visakhapatnam II Town Police Station, Visakhapatnam District, registered for the offences under Sections 406, 420, 384, 509 and 506 I.P.C.

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 the sole accused and the second respondent is the *de facto* complainant in Crime No.5 of 2016.

4. As per the allegations made in the complaint, the father-in-law of the petitioner, while running the chit business, had obtained empty promissory notes and empty cheques from the second respondent. It is further alleged that taking advantage of the same, the petitioner filed false cases against the second respondent with an ulterior motive to cheat her. It is also alleged that the petitioner threatened the second respondent with dire consequences.

5. The learned counsel for the petitioner submitted that the petitioner has nothing to do with the family affairs of his father-in-law.

6. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only. 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.

7. 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.

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

9. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Visakhapatnam II Town Police Station, Visakhapatnam District, not to arrest the petitioner/sole accused in Crime No.5 of 2016 till completion of the investigation.

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

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

T.SUNIL CHOWDARY, J

Date: 01.02.2016

lvd

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

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