

-

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.475 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.4 in Crime No.250 of 2015 on the file of the Station House Officer, Pulivendula Police Station, Y.S.R. Kadapa District, 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 4 and the second respondent is the *de facto* complainant in Crime No.250 of 2015.

4. As per the allegations made in the complaint, petitioner No.1 permitted the second respondent to undertake mining operations on contract basis. It is further alleged that petitioner No.1 postponing the execution of lease agreement in favour of the second respondent on one pretext or other with an ulterior motive to cheat him. It is also alleged that the petitioners unauthorisedly taken away the tractor of the second respondent.

5. Whether the petitioners have committed the alleged offence 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.

6. Having regard to the facts and circumstances of the case and also the principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab**^[1] and **State of Haryana v. Bhajanlal**^[2], I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

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, Pulivendula Police Station, Y.S.R. Kadapa District, not to arrest the petitioners/A.1 to A.4 in Crime No.250 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: 20.01.2016

lvd

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604