

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1065 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A1 and A2 in Crime No.393 of 2015 on the file of Station House Officer, Governorpet Police Station, Vijayawada City registered for the offences under Sections 420, 406 and 506 IPC.

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

3. The petitioners are A1 and A2 and second respondent is *de facto* complainant in Crime No.393 of 2015. As per the allegations made in the complaint, on 10.3.2013 the petitioners sold the shares of second respondent worth Rs.1,70,000/- and have been postponing payment of money on one pretext or the other. It is further alleged that the petitioners retained the shares of second respondent worth Rs.14,000/-. The gist of the allegations made in the complaint is that the petitioners cheated the second respondent and threatened him with dire consequences. Whether the petitioners have committed the alleged offence or not will come to light during the course of investigation only.

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, State of Haryana v. Bhajan Lal, V.Y.Jose V State of Gurajat and Teeja Devi v. State of Rajasthan**, 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 petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. Having regard to the facts

and circumstances of the case, the Station House Officer, Governorpet Police Station is hereby directed not to arrest the petitioners/A1 and A2 till completion of investigation in Crime No.393 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

February 01, 2016.

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