

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5200 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 3 in Crime No.33 of 2017 on the file of the Station House Officer, Venkatapuram Police Station, Jayashankar (Bhupalpally) District, registered for the offence punishable under Section 420 read with 34 I.P.C.

2. The learned counsel for the petitioners submitted that the second respondent foisted a false case against the petitioners with an ulterior motive. He further submitted that the allegations made in the complaint do not constitute any offence much less the offence alleged to have been committed by the petitioners.

3. The learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioners.

4. 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.33 of 2017. It further reveals that the marriage of the second respondent was performed with the son of the third petitioner i.e., Nageswara Rao in the year 1996. Out of lawful wedlock, they were blessed with one daughter. It is not in dispute that the said Nageswara Rao died while working as Gram Panchayat Secretary.

5. As per the allegations made in the complaint, the petitioners herein snatched away the retiral benefits of said Nageswara Rao and the first petitioner got appointment on compassionate grounds. The gist of the allegations made in the complaint is that the petitioners cheated the second respondent.

6. 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. Whether the petitioners have committed the alleged offence or not will come to light during the course 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 Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v. State of Gujarat³** and **Teeja Devi v. State of Rajasthan⁴**, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

8. Taking into consideration the facts and circumstances of the case and also the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar⁵**, the Station House Officer,

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273

Venkatapuram Police Station, Jayashankar (Bhupalpally) District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.33 of 2017 so far as the petitioners/ accused Nos.1 to 3 are concerned.

9. With the above direction, the Criminal Petition is disposed of.

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

T.SUNIL CHOWDARY, J

Date: 05.07.2017
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