

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5972 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/sole accused in Crime No.65 of 2017 on the file of the Station House Officer, Neradigonda Police Station, registered for the offences punishable under Sections 417, 420, 498-A and 494 I.P.C.

2. The learned counsel for the petitioner strenuously submitted that the petitioner has nothing to do with the third respondent. He further submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioner; therefore, it is a fit case to quash the proceedings.

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

4. A perusal of the record reveals that the petitioner is the sole accused and the third respondent is the *de-facto* complainant in Crime No.65 of 2017. It further reveals that the third respondent married one person by name Kambampati Vijaya Bhaskar and blessed with two children.

5. As per the allegations made in the complaint, the petitioner promised the third respondent that he will marry her. Basing on the false promise made by the petitioner, the third respondent stayed with him for some time. The gist of the allegations made in

the complaint is that the petitioner herein cheated the third 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 petitioner has committed the alleged offences 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, Neradigonda Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.65 of 2017 so far as the petitioner/sole accused is concerned.

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

9. With the above direction, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 21.07.2017
Ivd

