

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4018 OF 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A1 to A5 in Crime No.236 of 2017 on the file of the Station House Officer, Sircilla Police Station, Rajanna Siricilla District, Telangana State, registered for the offence punishable under Section 420 IPC

2. Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor for the State of Telangana.

3. A perusal of the record reveals that the petitioners are A1 to A5 and the 2nd respondent is the *de facto* complainant in Cr.No.236 of 2017. As per the allegations made in the complaint, the petitioners herein entered into an agreement, dated 07-07-2016 with the 2nd respondent to supply the cloth specified therein to the 2nd respondent. The 2nd respondent herein issued a show cause notice to the petitioners. For one reason or the other, the petitioners did not issue any reply to the 2nd respondent. A perusal of the record further reveals that the petitioners herein supplied the cloth, which was purchased from outside. The gist of the allegations made in the complaint is that the petitioners herein cheated the 2nd respondent.

4. Learned counsel for the petitioners submitted that the lis between the parties is purely of civil in nature without any element of criminality. He further submitted that the 2nd respondent foisted a false case against the petitioners for the reasons best known to him.

5. Per contra, learned Assistant Public Prosecutor submitted that the petitioners with an intention to cheat the 2nd respondent, supplied the cloth in violation of terms and conditions of the agreement.

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 lis involved between the parties is of civil in nature 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 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 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 Bihar**⁵, the Station House Officer, Siricilla Police Station, Rajanna Siricilla District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.236 of 2017 so far as the petitioners/A1 to A5 are concerned.

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

T.SUNIL CHOWDARY, J

DATED: 07-06-2017

Hsd

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 2014 (8) SCALE 250