

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4513 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/Accused No.2 to 4 in Cr.No.217 of 2017 on the file of Station House Officer, Patancheru Police Station, registered for the offences punishable under Sections 419, 420 r/w 34 of IPC.

2 The learned counsel for the petitioners submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioners. He further submitted that the allegations made in the complaint are bereft of the ingredients of Sections 419 and 420 of IPC, therefore, it is a fit case to quash the proceedings against the petitioners.

3 The learned Assistant Public Prosecutor representing the State of Telangana submitted that the allegations made in the complaint prima facie constitute the offences alleged to have been committed by the petitioners.

3 A perusal of the record reveals that the petitioners are accused No.2 to 4 and the second respondent is the de-facto complainant. As per the allegations made in the complaint, the petitioners along with accused No.1 approached the second respondent and induced her to invest an amount of Rs.3.5 lakhs in Q Net company. Basing on the promise made by the accused the second respondent transferred an amount of Rs.3.5 lakhs to the bank account of the accused No.4. The petitioners are known

persons to the second respondent. The gist of the allegations made in the complaint is that the petitioners intentionally deceived the second respondent.

4 Whether the petitioners have inducted the second respondent or not will come to light during the course of investigation only. The gist of the allegations made in the complaint is that the petitioners have cheated the second respondent. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. 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 on hand and also the principle laid down in **R.P.Kapoor v. State of Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v State of Gurajat³** and **Teeja Devi v State of Rajasthan⁴**, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

6 The learned counsel for the petitioners submitted that the Station House Officer, Patancheru Police Station, may be directed not to arrest the petitioners pending investigation in the crime.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

7 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, Patancheru Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.217 of 2017 so far as the petitioners/accused Nos.2 to 4 are concerned.

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

Date: 16th June, 2017
Kvsn

T. SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273