

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5134 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.25 of 2017 on the file of the Station House Officer, Dharmavaram Urban Police Station, Anantapur District, registered for the offence punishable under Section 420 IPC.

2. Learned counsel for the petitioner submitted that the petitioner purchased and sold the shares of the second respondent as per her instructions and her husband. He further submitted that the *lis* involved between the parties is purely civil in nature without any element of criminality. ***Per contra***, learned Public Prosecutor for the State of Andhra Pradesh submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioner.

3. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant. A perusal of the record reveals that the petitioner is the Head of Angel Broking Debt Market Pvt. Ltd., a share broking firm. As per the allegations made in the complaint, the petitioner purchased and sold the shares in the name of the second respondent without her consent. In that process, the second respondent incurred loss of

Rs.5,88,763.89 ps. The gist of the allegations made in the complaint is that the petitioner cheated the second respondent and also caused financial loss to her.

4. 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 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.

5. 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.

6. Taking into consideration the facts and circumstances of the case and also the principle enunciated by the Supreme

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

Court in **Arnesh Kumar v State of Bihar**⁵, the Station House Officer, Dharmavaram Urban Police Station, Anantapur District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.25 of 2017.

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

Date: 04.07.2017
Rns

T.SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273