

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6018 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-accused in Crime No.191 of 2017 on the file of the Station House Officer, Huzurnagar Police Station, Suryapet District, registered for the offences punishable under Sections 406, 420, 468 and 471 of IPC.

2. Learned counsel for the petitioner strenuously submitted that the petitioner, who is a farmer, was falsely implicated in this case by the bank officials for the reasons best known to them. He further submitted that the allegations made in the complaint are *ex facie* taken to be true and correct, no case is made out against the petitioner; therefore, it is a fit case to quash the proceedings. ***Per contra***, learned Assistant Public Prosecutor, on instructions, 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 accused and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, the petitioner has obtained a loan from Corporation Bank, Huzurnagar Branch, Suryapet District, in the year 2014. Subsequently, the second respondent, being the Manager of the said Bank, came to know that the petitioner produced the false documents and obtained loan from the Bank. The gist of the allegations made in the complaint is that the petitioner cheated the Bank.

4. While deciding the petitions 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.

5. 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.

6. 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, Huzurnagar Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.191 of 2017 so far as the petitioner-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 5 (2014) 8 SCC 273

7. With the above direction, the criminal petition is disposed of. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

July 21, 2017.
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