

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4712 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused No.3 in Crime No.48 of 2017 on the file of the Station House Officer, Adoni III Town Police Station, Kurnool District, registered under Section 420 IPC.

2. Learned counsel for the petitioner submitted that the petitioner has no acquaintance with the second respondent. He further submitted that the second respondent foisted a false case against the petitioner. Learned Assistant Public Prosecutor 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 herein is Accused No.3 and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, the petitioner along with others made a false promise to the second respondent that they will exchange old currency notes with new currency notes. It is further alleged that the second respondent handed over old currency notes of Rs.10,00,000/- to the petitioner herein and one Tarapuram Swamy on 10.02.2017. He further submitted that the petitioner and other accused did not repay the amount. The gist of the

allegations made in the complaint is that the petitioner along with others cheated the second respondent.

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 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

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

House Officer, Adoni III Town Police Station, Kurnool District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.48 of 2017 so far as the petitioner/accused No.3 is concerned.

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:22.06.2017
Rns

T.SUNIL CHOWDARY, J

