

THE HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4348 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/ accused No.1 in Crime No.96 of 2017 on the file of the Station House Officer, Cyber Crime Police Station, Hyderabad, registered under Section 66(C)(D) of Information Technology Act and Sections 406 and 420 IPC.

2. Learned counsel for the petitioner submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioner. He further submitted that the petitioner is not the competent person to mutate the names in the records. Learned Assistant Public Prosecutor submitted that the petitioner along with others wrongly tampered the records and wrongly mutated the names in more than 1500 cases.

3. A perusal of the record reveals that the petitioner herein is accused No.1 and the second respondent is the *de facto* complainant. The second respondent is the owner of the house bearing No.6-3-1179/ 2/ a with assessment No.1100623492. As per the allegations made in the complaint, the petitioner herein along with other co-employees deleted the name of the second respondent and included the name of Khaja Qutubuddin as the owner of the house bearing No.6-3-1179/ 2/ a. The gist of the

allegations made in the complaint is the petitioner herein 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. Hence, the Criminal Petition is dismissed. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 14.06.2017
Pns

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

