

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5054 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 and 2 in Crime No.103 of 2017 on the file of the Station House Officer, Chandrayanagutta Police Station, Hyderabad City, registered for the offences punishable under Sections 406, 420 and 506 read with 34 I.P.C.

2. The learned counsel for the petitioners submitted that the allegations made in the complaint do not constitute any offence much the offences alleged to have been committed by the petitioners. He further submitted that the first respondent foisted a false case against the petitioners for the reasons best known to her.

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

4. A perusal of the record reveals that the petitioners are accused Nos.1 and 2 and the first respondent is the *de-facto* complainant in Crime No.103 of 2017.

5. As per the allegations made in the complaint, the petitioners made a promise to the daughter of the first respondent that they will provide a beautician job to her in Abu Dhabi and arranged Visa by collecting an amount of Rs.50,000/- as demanded. It is further alleged that the daughter of the first respondent was forced to attend the household work and was subjected to harassment

physically and mentally in Abu Dhabi. The gist of the allegations made in the complaint is that the petitioners herein cheated the daughter of the first respondent.

6. 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 petitioners have 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.

7. 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.

8. 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 Bihar⁵**, the Station House Officer, Chandrayanagutta Police Station, Hyderabad City, is hereby directed to follow the procedure as contemplated under Section

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273

41A Cr.P.C. in Crime No.103 of 2017 so far as the petitioners/accused Nos.1 and 2 are concerned.

9. With the above direction, the Criminal Petition is disposed of.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 03.07.2017
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