

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5687 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.47 of 2017 on the file of the Station House Officer, Satyanarayana Puram Police Station, Vijayawada City, Krishna District, registered for the offences under Sections 341, 342, 384 and 506 IPC read with 34 IPC.

2. Learned counsel for the petitioners strenuously submitted that the lis, if any, involved between the parties is purely civil in nature without any element of criminality. He further submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioners. ***Per contra***, learned Assistant Public Prosecutor for the State of Telangana submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioners.

3. A perusal of the record reveals that the petitioners are Accused Nos.1 and 2 and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, the petitioners herein paid an amount of Rs.24,00,000/- to the *de facto* complainant through RTGS for the purpose of real estate business. It is further alleged that

the second respondent paid an amount of Rs.11,00,000/- to the petitioners through RTGS. It is the case of the second respondent that the petitioners herein with the help of rowdy elements obtained his signatures on empty cheques and blank papers and threatened him with dire consequences.

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 petitioners have 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.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

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, Satyanarayanapuram Police Station, Vijayawada City, Krishna District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.47 of 2017 so far as the petitioners/accused Nos.1 and 2 are 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: 17.07.2017
Rns

T.SUNIL CHOWDARY, J

⁵ (2014) 8 SCC 273