

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5621 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused No.18 in Crime No.32 of 2017 on the file of the Station House Officer, Bellampalli I Town Police Station, registered for the offences punishable under Sections 420, 468 and 471 of IPC.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor representing the State.

3. The learned counsel for the petitioner submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no case is made out against the petitioner for the offences under Sections 420, 468 and 471 of IPC; therefore, it is a fit case to quash the proceedings against the petitioner. **Per contra**, learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

3. A perusal of the record reveals that the petitioner is accused No.18 and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, the petitioner along with others filed the income tax returns of the Singareni Collieries employees by showing their income below taxable limits. It is further alleged that the petitioner along with others filed income tax returns by showing false amounts by collecting Rs.1,000/- from each employee. The gist of the allegations made in the

complaint is that the petitioner cheated the employees of Singarenie Collieries.

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 in 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 Gurajat³** 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.

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 Bihar⁵**, the Station House Officer, Bellamkonda I Town Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.32 of 2017 so far as the petitioner-accused No.18 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 14, 2017.
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