

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4795 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.203 of 2015 on the file of the Station House Officer, Gadwal Town Police Station, registered for the offence punishable under Section 420 of IPC.

2. The predominant contention of learned counsel for the petitioner is that the petitioner has nothing to do with the company. He further submitted that the allegations made in the complaint do not constitute any offence much less the offence alleged to have been committed by the petitioner. **Per contra**, learned Assistant Public Prosecutor for the first respondent-State submitted 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.3 and the second respondent is *de facto* complainant in Crime No.203 of 2015. As per the allegations made in the complaint, M/s.Maithri Plantation and Horticulture (P) Limited, having its Head Office at Ongole and Branch Office at Gadwal, collected an amount of Rs.90,000/- from each person assuring that they will register plots in their name. It is further alleged that the petitioner, while working as Manager of Gadwal Branch of the company, collected the

money from number of customers. The gist of the allegations made in the complaint is that the petitioner along with other accused cheated the second respondent and others.

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

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

Court in **Arnesh Kumar v. State of Bihar**⁵, the Station House Officer, Garidepalli Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.203 of 2015 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.

T.SUNIL CHOWDARY, J.

June 23, 2017.
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⁵ (2014) 8 SCC 273