

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5684 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.248 of 2017 on the file of the Station House Officer, GDK-I (T) Police Station, Peddapally District, registered for the offences under Sections 420 and 506 IPC.

2. Learned counsel for the petitioner submitted that the second respondent foisted a false case against the petitioner for the reasons best known to him. 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 petitioner. ***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 petitioner.

3. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, the petitioner herein assured that he will provide a job as Junior Assistant in Panchayat Raj Department, Secretariat, to the second respondent-complainant. Basing on the promise of the petitioner, the second respondent paid an amount of Rs.1,00,000/- by way of cash and Rs.2,50,000/- by way of

cheque. It is further alleged that the petitioner herein has taken the money from the second respondent and cheated him. It is further alleged that the petitioner herein threatened the second respondent with dire consequences when he asked for return of the money.

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 Gujarat**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.

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, GDK-I (T) Police Station, Peddapally District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.248 of 2017.

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