

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3894 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.104 of 2017 on the file of the Station House Officer, Keshavapatnam Police Station, Karimnagar District, registered for the offence punishable under Section 420 I.P.C.

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

3. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant in Crime No.104 of 2017.

4. As per the allegations made in the complaint, the petitioner collected an amount of Rs.2,10,000/- from the second respondent. It is the further case of the prosecution that the petitioner collected nearly an amount of Rs.11,50,000/- from different villagers and failed to repay the same. The gist of the allegations made in the complaint is that the petitioner cheated the public at large.

5. Learned counsel for the petitioner submitted that the second respondent and the petitioner are parties to O.S. No.64 of 2017 on the file of the Court of Principal Junior Civil Judge, Huzurnagar. He further submitted that the petitioner has not received any amount from the second respondent.

6. Whether the second respondent paid an amount of Rs.2,10,000/- to the petitioner or not will come to light during the course of investigation. 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. 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 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.

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 Bihar**⁵, the Station House Officer, Keshavapatnam Police Station, Karimnagar District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.104 of 2017 so far as the petitioner/accused is concerned.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 2014 (8) SCALE 250

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: 05.06.2017
Ivd

