

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4876 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner-accused No.8 in Crime No.149 of 2015 on the file of the Station House Officer, Wanaparathi Town Police Station, Mahaboobnagar District, registered for the offence punishable under Section 420 of I.P.C. read with Section 5 of the A.P. Protection of Depositors and Financial Establishments Act.

2. The predominant contention of learned counsel for the petitioner is that the petitioner has nothing to do with the company affairs of M/s.Maithri Plantation and Horticulture (P) Limited. He further submitted that the petitioner was falsely implicated in this case.

3. *Per contra*, learned Assistant Public Prosecutor for the first respondent-State submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioner.

4. A perusal of the record reveals that the petitioner is accused No.8 and the second respondent is *de facto* complainant in Crime No.149 of 2015.

5. 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 Wanaparathi, collected an amount of Rs.14,90,000/- from the second respondent assuring that they will register plots in his name. It is further alleged that the petitioner, while working as Manager of Wanaparathi Branch of the company, collected the amount. The gist of the allegations made in the

complaint is that the petitioner along with other accused cheated the second respondent and others.

6. 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.

7. 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.

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 Bihar⁵**, the Station House Officer, Wanaparathi Town Police Station, Mahaboobnagar District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.149 of 2015 so far as the petitioner-accused No.8 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 SCC 273

9. 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

Date: 28.06.2017
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