

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4637 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused No.10 in Crime No.472 of 2016 on the file of the Station House Officer, Chikkadpally Police Station, Hyderabad, registered for the offences punishable under Sections 392 and 420 of IPC.

2. The learned counsel for the petitioner submitted that the petitioner has nothing to do with the alleged incident. He further submitted that even as per the remand report, the petitioner did not commit the offence under Section 392 of IPC. He also submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner. ***Per contra***, learned Assistant Public Prosecutor for the first respondent-State submitted 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 accused No.10 and second respondent is *de facto* complainant in Crime No.472 of 2016. As per the allegations made in the complaint, the petitioner along with others made a false promise to the second respondent. It is further alleged that the petitioner also indulged in money laundering activities. The gist of the allegations made in the complaint is that the petitioner along with other accused cheated the second respondent.

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 offences 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 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, Chikkadpally Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.472 of 2016 so far as the petitioner/accused No.10 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

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 20, 2017.
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