

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4915 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner-accused in Crime No.43 of 2017 on the file of the Station House Officer, Narsaraopet I Town Police Station, Guntur District, registered for the offences punishable under Sections 323, 506 and 420 of IPC.

2. The learned counsel for the petitioner submitted that the Police did not register the case basing on the complaint lodged by the petitioner. He further submitted that the first respondent foisted a false case against the petitioner. He also submitted that the allegations made in the complaint do not constitute the offence alleged to have been committed by the petitioner. ***Per contra***, learned Public Prosecutor for the 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 sole accused and the first respondent is *de facto* complainant in Crime No.43 of 2017. As per the allegations made in the complaint, on 21.4.2017, the first respondent paid an amount of Rs.90,000/- to the petitioner for release of the gold ornaments, but the petitioner neither returned the gold ornaments nor returned the cash of Rs.90,000/- to the first respondent. It is further alleged that the petitioner beat the first respondent and threatened him with dire consequences. The gist of the allegations made in the complaint is that the petitioner cheated the first 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 and whether the petitioner lodged a complaint with the Police 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, Narsaraopet I Town Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.43 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 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 28, 2017.
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