

THE HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3480 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner, who is accused No.2 in Crime No.203 of 2017 on the file of the Station House Officer, Punjagutta Police Station, Hyderabad, registered under Sections 406, 420 and 120(b) IPC.

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

A perusal of the record reveals that basing on the complaint lodged by the second respondent – *de facto* complainant, who is one of the subscribers of M/s.Creer Financial Services Private Limited, the Station House Officer, Mahankali Police Station, registered a case in Crime No.203 of 2017 under Sections 406, 420 and 120(b) IPC, against the petitioner, who is accused No.2, and others.

It is the case of the prosecution that the petitioner herein along with other employees collected huge amount of Rs.2.00 crores from different subscribers and misappropriated the same. Learned counsel for the petitioner submitted that the petitioner herein submitted his resignation on 02.11.2016. A perusal of the record *prima facie* reveals that the alleged transaction pertains to the period prior to 02.11.2016.

It is needless to say that the court has to take into consideration the allegations made in the complaint while exercising inherent jurisdiction under Section 482 Cr.P.C., in order to quash the criminal proceedings at the initial stage of investigation. The court is not justified in embarking upon an enquiry to ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. It is a settled principle of law that the inherent power should not be exercised to stifle a legitimate investigation. If the allegations made in the complaint do not constitute the offence much less the offence alleged to have been committed by the petitioner, then this court can quash the proceedings in order to prevent abuse of process of court thereby to secure the ends of justice.

I have carefully perused the material available on record in order to ascertain whether the allegations made in the complaint are patently absurd and inherently improbable thereby to quash the proceedings. The material available on record is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint. Whether the petitioner has misappropriated an amount of Rs.2.00 crores or not will come to light during the course of investigation.

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*

¹ AIR 1960 SC 866

² AIR 1992 SC 604

*STATE OF GUJARAT*³ AND *TEEJA DEVI v. STATE OF RAJASTHAN*⁴,

I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

Accordingly, the Criminal Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date:01.06.2017

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³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)