

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4426 OF 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A1 and A4 in Crime No.48 of 2015 on the file of the Station House Officer, Khanapur Police Station, Warangal District, registered for the offences punishable under Sections 420, 406 and 506 r/w 34 IPC.

2. Learned counsel for the petitioners submitted that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioners. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have committed by the petitioners and therefore, it is not a fit case to quash the proceedings.

3. A perusal of the record reveals that the petitioners are A1 and A4 and the 1st respondent is the *de facto* complainant in Cr.No.48 of 2015. As per the allegations made in the complaint, the petitioners purchased paddy from the 1st respondent and others worth Rs.11,30,000/- with an ulterior motive to cheat the farmers. It is further alleged that the petitioners threatened the 1st respondent with dire consequences. The gist of the allegations made in the complaint is the petitioners cheated the 1st respondent and other farmers.

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 petitioners 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, Khanapur Police Station, Warangal District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.48 of 2015 so far as the petitioners/A1 and A4 are concerned.

7. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this petition shall stand closed.

DATED: 15-06-2017
Hsd

T.SUNIL CHOWDARY, J

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