

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4877 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners in Crime No.191 of 2017 on the file of the Station House Officer, Huzurnagar Police Station, Suryapet District, registered for the offences punishable under Sections 406, 420, 468 and 471 I.P.C.

2. The learned counsel for the petitioners strenuously submitted that the petitioners, who are farmers, were falsely implicated in this case by the bank officials for the reasons best known to them. He further submitted that the allegations made in the complaint *ex facie* taken to be true and correct, no case is made out against the petitioners; therefore, it is a fit case to quash the proceedings.

3. The learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioners.

4. A perusal of the record reveals that the petitioners are accused and the second respondent is the *de-facto* complainant in Crime No.191 of 2017.

5. As per the allegations made in the complaint, the petitioners have obtained a loan from Corporation Bank, Huzurnagar Branch, Suryapet District, in the year 2014. Subsequently, the second respondent, being Manager of the said bank, came to know that the petitioners herein produced the false documents and obtained

loan from the bank. The gist of the allegations made in the complaint is that the petitioners cheated the bank.

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 petitioners have 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.

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, Huzurnagar Police Station, Suryapet District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.191 of 2017 so far as the petitioners are 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.

10. 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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