

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4879 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.2 in Crime No.301 of 2015 on the file of the Station House Officer, Gadwal Town Police Station, Mahaboobnagar District, registered for the offence punishable under Section 420 I.P.C.

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case. He further submitted that even if the allegations made in the complaint *ex facie* taken to be true and correct, no case is made out against the petitioner.

3. *Per contra*, the learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioner.

4. A perusal of the record reveals that the petitioner is accused No.2 and the second respondent is the *de-facto* complainant in Crime No.301 of 2015.

5. As per the allegations made in the complaint, A.1 collected an amount of Rs.20,00,000/- from the second respondent assuring that he will provide seat in the medical college to his son. It is further alleged that the petitioner herein collected an amount of Rs.1,50,000/- from the second respondent towards consultation charges. The gist of the allegations made in the complaint is that the petitioner along with A.1 cheated the second respondent.

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 petitioner has committed the alleged offence 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, Gadwal Town Police Station, Mahaboobnagar District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.301 of 2015 so far as the petitioner/A.2 is concerned.

9. With the above direction, the Criminal Petition is disposed of.

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

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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