
(2014) 12 AP CK 0169

In the Andhra Pradesh High Court

Case No : Criminal P. No. 15215 of 2014

Sadequa Bhanu and Others

APPELLANT

Vs

State of Telangana and Others

RESPONDENT

Date of Decision : 19-12-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 41-A, 482 — Penal Code, 1860 (IPC)
- Section 34, 406, 420, 506

Citation : (2015) 1 ALD(Cri) 945 : (2015) 2 ALT(Cri) 278

Hon'ble Judges : T. Sunil Chowdary, J.

Bench : Single Bench

Advocate : Thakur Singh, for the Appellant

Final Decision : Dismissed

Judgement

T. Sunil Chowdary, J. This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners/accused Nos. 2 to 5 in Crime No. 256 of 2014 of Bahadurpura Police Station, Hyderabad City, registered for the offences under Sections 420, 406 and 506 read with 34 IPC. Heard the learned Counsel for the petitioners and the learned Public Prosecutor.

2. A perusal of the record reveals that the petitioners are accused Nos. 2 to 5 and the second respondent is the de facto complainant. As per the allegations made in the complaint, the petitioners herein have induced the second respondent to purchase a property from accused No. 1. It is further alleged that the first accused executed a sale deed in favor of the second respondent to an extent of 507 square yards though he is the absolute owner of an extent of 330 square yards only. The gist of the allegations made in the complaint is that the petitioners herein cheated the second respondent.

3. While deciding the petition 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 to ascertain the truthfulness or otherwise

of the allegations made in the complaint at the initial stage of the 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.

4. Having regard to the facts and circumstances of the case and also the principles enunciated by the Supreme Court in R.P. Kapur Vs. The State of Punjab, and State of Haryana and others Vs. Ch. Bhajan Lal and others, , I am of the view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

5. The learned Counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners till completion of the investigation.

6. In view of the principle enunciated by the Supreme Court in Arnesh Kumar Vs. State of Bihar, the Station House Officer, Bahadurpura Police Station, Hyderabad City, is hereby directed to follow the procedure contemplated under Section 41-A Cr.P.C., in Crime No. 256 of 2014, so far as the petitioners/accused Nos. 2 to 5 are concerned.

7. With the above direction, the criminal petition is dismissed. Consequently, miscellaneous petitions, if any, pending in this criminal petition shall stand closed.