

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.25718 of 2016

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for Home appearing for respondent Nos.1 to 3.

2. This Writ Petition is filed seeking to quash of Crime No.396 of 2016 on the file of 2nd respondent.

3. Although the learned counsel for the petitioner states that the allegations made in the complaint dt.18-07-2016 by 3rd respondent against him are false and has also filed certain material in support of the said plea, in view of the judgment of the Supreme Court in the **State of Haryana and others Vs. Ch.Bhajanlal and others**^[1] that this Court cannot assess material produced before it by the accused and since this Court is to go by the allegations in the complaint only and see whether the allegations made therein *prima facie* indicate commission of offence or not, I am not inclined to quash the FIR.

4. Petitioner is granted liberty to produce all the material available with the petitioner at the appropriate stage before the competent Court to prove his innocence of the allegations leveled by the 3rd respondent against him. However, the 2nd respondent shall follow the

provisions of Section 41-A Cr.P.C. scrupulously, if he wishes to examine the petitioner.

5. With the above directions, the Writ Petition is disposed of. No costs.

6. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 04-08-2016

[\[1\]](#) 1992 Supp. 1 S.C.C. 335