

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.385 of 2019

ORDER:

1. Heard the learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Present petition has been filed by the petitioners with a prayer to quash all further proceedings in connection with crime No.62 of 2019 of Banjara Hills Police Station, Hyderabad, registered for the offences punishable under Sections 504 IPC and Section 3 (1) (R) (S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 and to stay all further proceedings in the said crime.

3. It is contended by the learned counsel for the petitioners that the F.I.R. registered against the petitioners is nothing but sheer abuse of process of law and not at all maintainable on the face of record. It is also submitted that there is no specific or particular averment or allegation in the entire F.I.R. which is attributable to the petitioners. In the absence of such specific or particular averment or allegation implicating the petitioners, no case whatsoever can be made out against the petitioners. Thus, prayed to quash the proceedings against the petitioners.

4. Learned Additional Public Prosecutor opposed the prayer for quashing of the F.I.R., and he submits that the contents of the F.I.R. clearly disclose cognizable offence.

5. After considering the various decisions of Hon'ble Supreme Court including the decision of *State of Haryana vs. Bhajan Lal*¹, I am of the view that there can be no interference with the investigation or order staying arrest unless cognizable offence is not *ex-facie* discernable from the allegations contained in the F.I.R. or there is any statutory restriction operating on the power to the police to investigate a case. From a perusal of the F.I.R., *prima facie*, it cannot be said that no cognizable offence is made out. Hence, no ground exists for quashing of the F.I.R. and the investigation shall go on. However, no coercive steps shall be taken against the petitioners till the submission of the final report.

6. With the above direction, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE G. SRI DEVI

24.09.2019
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¹ 1992 SCC (Cri) 426

