

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.4141 of 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.2 and 3 seeking to quash the proceedings in Crime No.458 of 2019 of Malkajgiri Police Station, Rachakonda.

2. Heard the learned counsel for the petitioners/accused Nos.2 and 3 and learned Additional Public Prosecutor for the respondent-State. Perused the record.

3. Learned counsel for the petitioners would submit that the petitioners are priests hails from poor Brahmin family and they never attacked the son of the *de facto* complainant at any point of time; that the allegations in the First Information Report do not attract the offences alleged against the petitioners and a false case is foisted against them; that the alleged incident took place at Gumpalagudem within the jurisdiction of State of Andhra Pradesh, but, the respondent managed the police and lodged the present complaint before Malkajgiri police station, Hyderabad, which has no jurisdiction; that there is a delay in lodging the First Information Report and hence, he prays to quash the proceedings against the petitioners.

4. Learned Additional Public Prosecutor opposed the petition.

5. The law regarding sufficiency of grounds which may justify quashing of FIR in a given case is well settled. The Court has to eschew itself from embarking upon a roaring enquiry into the

details of the case. It is also not advisable to adjudge whether the case shall ultimately end in submission of charge sheet and then eventually in conviction or not. Only a *prima facie* satisfaction of the Court about the existence of sufficient ingredients constituting the offence is required in order to see whether the FIR requires to be investigated or deserves quashing. The ambit of investigation into the alleged offence is an independent area of operation and does not at all for interference in the same except in rarest of rare cases. The operational liberty to collect sufficient material, if there exists any, cannot be scuttled prematurely by any uncalled for over-stepping of the Court. It has to be an extremely discreet exercise. The Hon'ble Apex Court's decisions given in the case of ***R.P. Kapur v. The State of Punjab***¹ and in the case of ***State of Haryana v. Bhajan Lal***² have also recognized certain categories by way of illustration which may justify quashing of a complaint or charge sheet and the same may also be good grounds to quash the FIR. Some of them also akin to the illustrative examples given in the case of ***Smt. Nagawwa v. Veeranna Shivalingappa Konjalgi***³. The case is whether the allegations made against the accused in the FIR or the evidence collected by the investigating officer do not constitute any offence or whether the allegations are absurd or extremely improbable or impossible to believe or whether the Prosecution is illegally barred or whether the criminal proceedings are malicious and malafied, instituted only for ulterior motive of wreaking vengeance may be, illustratively, the fit cases for the High Court in which the FIR or the criminal proceedings

¹ AIR 1960 SC 866

² 1992 SCC (Cri) 426

³ (1976) 3 SCC 736

may be quashed. If a particular case falls in some such categories as recognized by the Apex Court in ***Bhajan Lal's case (supra)***, it may justify the interference by this Court in exercise of its inherent power as provided in the Code of Criminal Procedure or in exercise of its power vested by the Constitution of India.

6. Illuminated by the case law hereinabove, this Court has adverted to the entire facts available on record. The submissions made by the learned counsel for the petitioners call for a determination on pure questions of fact which may adequately discerned either through proper investigation or which may be adjudicated upon only by the trial Court. This Court does not deem it proper to suffocate the ambit and scope of independent investigation into the case. A thread-bare discussion of various facts and circumstances, as they embark from the allegations made against the accused, is being purposely avoided by the Court for the reason that the same might cause any prejudice to either side during investigation or trial. But, it shall suffice to observe that a perusal of the record makes out *prima facie* offence at this stage and there appears to be sufficient grounds for investigation in the case. I do not find any justification to quash the proceedings against the petitioners arising out of it as the case does not fall in any of the categories recognized by the Apex Court which may justify their quashing. Thus, the prayer for quashing the proceedings in Crime No.458 of 2019 of Malkajgiri Police Station, Rachakonda, is refused as I do not find any breach of constitutional provisions or any abuse of process of law.

7. Accordingly, the Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G.SRI DEVI

JULY 18, 2019

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DATE: 18.07.2019

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