

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5541 of 2019

ORDER :

Heard learned counsel for the petitioner/Accused; learned Additional Public Prosecutor representing the State and learned counsel appearing for respondent No.2 - Complainant.

The present Criminal Petition has been filed by the petitioner with a prayer to quash all further proceedings in connection with Crime No.136 of 2019 of II Town Police Station, Adilabad, Adilabad District, registered for the offences punishable under Sections 306 and 506 of IPC and to stay all further proceedings in the said crime.

It is contended by the learned counsel for petitioner that the F.I.R. registered against the petitioner is nothing but sheer abuse of the 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 petitioner. In the absence of such specific or particular averment or allegation implicating the petitioner, no case whatsoever can be made out against the petitioner. Thus, prayed to quash the proceedings against the petitioner.

On the other hand, the learned Additional Public Prosecutor opposed the relief sought in the petition.

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 roving 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 call 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 rendered in the case of **R.P. KAPUR vs. THE STATE OF PUNJAB**¹ and in the case of **STATE OF HARYANA vs. 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 vs. 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

¹ AIR 1960 SC 866

² 1992 SCC (Cri) 426

³ (1976) 3 SCC 736

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 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 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.

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 petitioner 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 in Crime No.136 of 2019 against the petitioner/accused 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, at this stage. Thus, the prayer for quashing the proceedings in Crime No.136 of 2019 of II Town Police Station, Adilabad, Adilabad District, is refused as I do not find any breach of Constitutional provisions or any abuse of process of law.

However, considering the peculiar facts and circumstances of the case, it is hereby directed that investigation in the above case shall go on and the petitioner is directed to surrender before the Court concerned within 15 days from the date of this order and move an application seeking bail and on such application being filed, the same may be considered in accordance with law, subject to his extending full cooperation during investigation.

With the aforesaid observations and direction, this Criminal Petition is disposed of.

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

JUSTICE G. SRI DEVI

11.09.2019.
Msr

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Msr