

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.6980 OF 2019

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure seeking quashing of investigation in Crime No.85 of 2019 of P.S. Neredugummu, Nalgonda District, registered against the petitioners/A-4 and A-5 (shown as A-3 and A-4 in remand case diary) for the offences punishable under Sections 341 and 307 read with Section 34 of the Indian Penal Code and Section 3(2)(v) of the SCs & STs (POA) Act, 2015.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioners submitted that the petitioners have not committed any of the offences as alleged in the complaint. He further submitted that the second respondent/complainant filed the present complaint with false and frivolous allegations and the present F.I.R. is liable to be quashed.

Learned Additional Public Prosecutor opposed the prayer for quashing of the F.I.R. and submits that the contents of the F.I.R. clearly disclose cognizable offence and that the F.I.R. in the present case lodged by the second respondent/complainant cannot be quashed.

As the first petitioner is a juvenile, learned counsel for the petitioners seeks permission to withdraw the Criminal Petition

insofar as the first petitioner is concerned. Permission is accorded.

After considering the various decisions including the decision of ***State of Haryana v. Bhajan Lal case*¹**, I am of the view that there can be no interference with the investigation or order staying arrest of the second petitioner 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 of 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. or staying the arrest of the second petitioner.

Accordingly, the Criminal Petition is dismissed as withdrawn insofar as the first petitioner is concerned and is dismissed insofar as the second petitioner is concerned. However, if the second petitioner surrenders before the competent Court within a period of thirty days from today and applies for regular bail, the same shall be considered by the said Court on the same day, in accordance with law. Further, no coercive steps shall be taken against the second petitioner for a period of thirty days.

As a sequel thereto, miscellaneous applications, if any, pending shall stand dismissed.

(G. SRI DEVI, J)

5th November 2019
RRB

¹ 1992 SCC (CrI) 426