

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.7406 of 2019

ORDER:

1. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. The present Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioner/accused with a prayer to quash all further proceedings in connection with Crime No.368 of 2019 of Musheerabad Police Station, Hyderabad City, registered for the offences punishable under Sections 376, 312 and 417 of I.P.C. and to stay all further proceedings in the said crime.
3. It is contended by the learned counsel for the petitioner that the F.I.R. registered against the petitioner 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 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.
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 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.

6. Accordingly, the Criminal Petition is dismissed.

7. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

JUSTICE G. SRI DEVI

19.11.2019
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¹ 1992 SCC (Cri) 426

