

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.7453 of 2019

ORDER:

This criminal petition is filed by the petitioner/A4 under Section 482 of Cr.P.C., seeking to quash the proceedings in Cr.No.24 of 2019 on the file of Mallial Police Station, Jagtial District, registered for the offences under Sections 420, 406 and 468 IPC, against him.

2. Heard learned counsel for the petitioner/A4; learned Additional Public Prosecutor for the 1st respondent-State and perused the record.

3. It is alleged in the complaint that the de-facto complainant was doing coolie work and he intended to go to Dubai to eke out his livelihood. While so, A3 introduced A1 to the de-facto complainant and A1 made him to believe that he will provide jobs in Dubai, and believing the words of A1, the de-facto complainant and his friend, by name, Marri Naresh, have paid an amount of Rs.30,000/- to A1 and thereafter, A1 issued forged police clearance certificate and flight ticket, thereby cheated them.

4. Learned counsel for the petitioner/A4 submits that as per the contents of the complaint, no case is made out against the petitioner and he has been falsely implicated in the said crime and he is innocent of the alleged offences. He further submits that the petitioner has no acquaintance with the de-facto complainant and there is no evidence with regard to involvement of the petitioner in

the crime and hence, the proceedings in the aforesaid crime are liable to be quashed against the petitioner.

5. Learned Additional Public Prosecutor opposed the prayer for quashing of the F.I.R., and submits that the contents of FIR would disclose the cognizable offence against the petitioner and therefore, the FIR cannot be quashed.

6. After considering the various decisions including the decision of **State of Haryana v. Bhajan Lal**¹'s Case, I am of the view that there can be no interference with the investigation or order staying arrest of the petitioner unless cognizable offence is not ex-facie discernable from the allegations contained in the FIR 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 petitioner.

7. Accordingly, the Criminal Petition is dismissed.

8. Miscellaneous petitions, if any pending in this criminal petition, shall stand dismissed.

JUSTICE G.SRI DEVI

20th November, 2019.

sj

¹ 1992 SCC (Crl.)426



