

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7520 of 2019

ORDER :

This Criminal Petition is filed by the petitioner, who is A.3, under Section 482 of Cr.P.C. to quash the proceedings in Crime No.305 of 2019 of Vikarabad Police Station, Vikarabad District, registered for the offences punishable under Sections 302 and 448 r/w. Section 34 of IPC.

Heard Sri G. Sanjeeva Reddy, learned counsel for the petitioner/A.3 and the learned Additional Public Prosecutor appearing for respondent No.1 – State. Perused the material on record.

Learned counsel for the petitioner contends that the petitioner has not committed any offence as alleged in the complaint and he has been falsely implicated in the above crime. It is further contended that no overt acts whatsoever have been attributed to the petitioner in the complaint, which are essential to constitute the ingredients of offences punishable under Sections 302 and 448 r/w. Section 34 of IPC and hence the above FIR is liable to be quashed against the petitioner/A.3.

On the other hand, the learned Additional Public Prosecutor opposed the relief sought in the present Criminal Petition and contends that the contents of FIR clearly disclose the commission of cognizable offences and the FIR has been

lodged by respondent No.2, who is none other than an eye witness to the occurrence, against the petitioner and other accused and hence the FIR cannot be quashed.

After considering various decisions, particularly the decision of the Hon'ble Apex Court in *State of Haryana vs. Bhajan Lal*¹, wherein the Apex Court has recognized certain categories in which Section 482 Cr.P.C. or Article 226 of the Constitution of India may successfully be invoked, it cannot be said that no cognizance is made out against the petitioner. Rather, the contents of FIR clearly disclose the presence of the petitioner/A.3 at the place of occurrence and the offence committed by him along with other accused.

Therefore, I do not see any ground for quashing of Crime No.305 of 2019 of Vikarabad Police Station, Vikarabad District, against the petitioner/A.3.

Accordingly, this Criminal Petition is dismissed.

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

JUSTICE G. SRI DEVI

21.11.2019.
Msr

¹ (1992) SCC (Cr.) 426

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