

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.7851 of 2019

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the petitioners/A-3 to A-5 seeking to quash the proceedings in C.C.No.551 of 2019 on the file of Kukatpally Police Station, Cyberabad, registered for the offence punishable under Section 436 IPC

2. Heard learned counsel for the petitioners/A-3 to A-5, learned Additional Public Prosecutor representing the 1st respondent-State and perused the record.

3. It is contended by the learned counsel for the petitioners that the F.I.R. registered against the petitioners 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 petitioners. In the absence of such specific or particular averment or allegation implicating the petitioners, no case whatsoever can be made out against the petitioners. Thus, prayed to quash the proceedings against the petitioners.

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,

¹ 1992 SCC (Cri) 426

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. However, no coercive steps shall be taken against the petitioners till the filing of the final report.

6. Accordingly, the Criminal Petition is disposed of.

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

04th December, 2019
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JUSTICE G.SRI DEVI