

HONOURABLE JUSTICE G. SRI DEVI  
CRIMINAL PETITION No.7960 of 2019

ORDER:

1. This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash Crime No.269 of 2019 on the file of Adilabad I Town Police Station, Adilabad District, registered against the petitioners/accused Nos.1 and 2 for the offences punishable under Sections-406 and 409 IPC.

2. Heard learned counsel for the petitioners, learned Additional Public Prosecutor appearing for respondent No.1-State and perused the record.

3. Learned counsel for the petitioners submitted that the petitioners have not committed any offence whatsoever as alleged in the complaint; that the complaint filed by the de facto complainant is tainted with *mala fides* and to wreck vengeance against the petitioners due to election disputes of the Drivers Association, Adilabad Unit; that the petitioners are the office bearers of the Telangana Government Drivers Association, Adilabad Unit, which is registered as society under the Telangana Societies Registration Act; that due to rivalry between the de facto complainant-respondent No.2 and the petitioners in connection with the society elections and other connected matters, this false complaint has been lodged without any basis and accordingly, the learned counsel prayed to quash the aforesaid complaint against the petitioners/accused Nos.1 and 2.

4. Learned Additional Public Prosecutor opposed for quashing the aforesaid F.I.R. and submits that the contents of the F.I.R. clearly disclose cognizable offence against the petitioners.

5. Considering the various decisions including the decision of the Hon'ble Apex Court in *State of Haryana Vs. Bhajan Lal*<sup>1</sup>, I am of the considered view that there can be no interference with the investigation or order staying arrest of the petitioners 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.

6. In view of the aforesaid facts and circumstances of the case, no indulgence can be shown to the petitioners who have come up with this Criminal Petition. Hence, no ground exists for quashing of the F.I.R. However, if the petitioners surrender before the Court concerned within two weeks from today and file petition praying to grant bail, the same shall be considered by the Court concerned in accordance with law. Till the petitioners surrender before the Court concerned, the Police shall not take any coercive steps against them. If the petitioners do not surrender before the Court concerned within the stipulated time, the Police are at liberty to take coercive steps against them forthwith.

---

<sup>1</sup> 1992 SCC (CrI) 426

7. Accordingly, the Criminal Petition is disposed of.
8. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

---

JUSTICE G. SRI DEVI

*09<sup>th</sup> December, 2019*  
dr

