

THE HON'BLE JUSTICE G.SRI DEVI
CRIMINAL PETITION No.8269 of 2019

ORDER:

This Criminal Petition is filed by the petitioners-A1 to A3 to quash the proceedings in connection with crime No.79 of 2019 on the file of the SHO, Chinna Gudur Police Station, Mahabubabad District, registered for the offence punishable under Section 306 r/w 34 IPC and to stay all further proceedings in the said crime.

2. Heard the learned counsel for the petitioners and learned Additional Public Prosecutor representing the State.

3. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the aforesaid case with an intention to blackmail them and to extract illegal gains. The complaint is lodged with vague allegations of cheating. He further submits that there is counter case in Cr.No.49 of 2019 on the file of Chinna Gudur Police Station for the offences punishable under Sections 143, 147, 148 and 324 r/w 149 IPC and in order to over come that case, the present case in Cr.No.79 of 2019 for the offence under Section 306 IPC is filed against the petitioners with ill motive. Hence, the FIR is liable to be quashed.

4. Learned Additional Public Prosecutor opposed the prayer for quashing of the F.I.R. and submits that the contents of the F.I.R. clearly disclose cognizable offence and that the F.I.R., in the present case, lodged by the 2nd respondent/complainant cannot be quashed.

5. After considering the various decisions including the decision of **STATE OF HARYANA V BHAJAN LAL** ¹, 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 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. Hence, no ground exists for quashing of the F.I.R. or staying arrest of the petitioners.

6. Accordingly, this Criminal Petition is dismissed. As a sequel, miscellaneous petitions, pending if any, shall stand closed.

DATED: 18.12.2019
Hsd

JUSTICE G.SRI DEVI

¹ 1992 SCC (CRL.) 426

