

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.8427 of 2019

ORDER:

This criminal petition is filed by the petitioner/accused under Section 482 of Cr.P.C., seeking to quash the proceedings in Cr.No.239 of 2019 on the file of Utnoor Police Station, Adilabad District, registered for the offence under Section 6 of Protection of Children from Sexual Offences Act, 2019, against him.

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

3. It is alleged in the complaint that the petitioner/accused being Warden of Saint Paul's School, Utnoor, used to harass the son of the de-facto complainant, aged 6 years, sexually and assault him.

4. Learned counsel for the petitioner/accused submits that the allegations made in the complaint are all false and baseless and a false case has been foisted against the petitioner. He further submits that the petitioner also filed a case against the de-facto complainant and others on the ground that they attacked him and others and that the present complaint is misconceived as there was no incident occurred as alleged by the prosecution. He further submits that as the petitioner requires to maintain strict discipline among the students, some people, who were enimical towards him, filed the present complaint. Thus, he prays to quash the FIR registered against the petitioner/accused.

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 there are serious allegations against him and that as the investigation is still pending, 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

24th December, 2019.
sj

¹ 1992 SCC (Crl.)426