

HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.8603 of 2019

ORDER:

1. This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash Crime No.672 of 2019 on the file of Neredmet Police Station, Rachakonda Commissionerate, Ranga Reddy District, registered against the petitioner/accused No.2 for the offences punishable under Sections-170, 419, 420 and 392 IPC.

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

3. The case of the prosecution in brief is that on 05.11.2019 at about 20.30 hours, Shaik Basha lodged a complaint stating that he along with his friends-Gopal, Ramesh, Kondal Rao and Satish were playing cards for fun and while so, at about 13.30 hours, two unknown persons entered into his house and stated that they are SOT, Police and beat them with hands, threatened them and the accused captured them till 3 pm in his house and took Rs.1,10,000/- and 1.6 gms gold chain from his house and demanded them to give Rs.50,000/- each for not registering a case and that Satish called his brother Ramesh who settled the matter with the said two persons and that after some time, the de facto complainant came to know that the said Satish, Ramesh and the other persons cheated him.

4. Learned counsel for the petitioner submitted that while remanding accused No.1 he disclosed the name of the petitioner and hence, the same cannot be taken into consideration; that respondent No.2 instigated accused No.1 to say that the petitioner is also involved in the above crime; that respondent No.2 himself is a chain snatcher and many cases are pending against him; that there is no iota of evidence against the petitioner; and that without proper investigation, the Police concerned are trying to arrest the petitioner and accordingly, the learned counsel prayed to quash the aforesaid complaint against the petitioner/accused No.2.

5. 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 petitioner.

6. Considering the various decisions including the decision of the Hon'ble Apex Court in *State of Haryana Vs. Bhajan Lal*¹, I am of the considered 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.

¹ 1992 SCC (CrI) 426

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

8. Subject to the above directions, the Criminal Petition is dismissed.

9. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

30th December, 2019
dr

JUSTICE G. SRI DEVI