

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.10643 of 2018

ORDER:

1. Heard the learned counsel for the petitioners and learned Additional Public Prosecutor for the State. Though notice was sent to the 2nd respondent, it was returned with an endorsement 'addressee left'.

2. Present petition has been filed by the petitioners-A1 and A2 with a prayer to quash all further proceedings in connection with crime No.54 of 2017 on the file of the SHO, SIT P.S. CCS Station, Hyderabad, registered for the offences punishable under Sections 420, 406, 506 and 120-B r/w 34 IPC and to stay all further proceedings in the said crime.

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 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. However, the learned Additional Public Prosecutor submits that the 1st petitioner-A1 has already been produced before the concerned Court on P.T. warrant and he was enlarged on bail. He further submits that the 2nd petitioner-A2 has not yet surrendered before the concerned Court.

7. Therefore, the 2nd petitioner-A2 shall surrender before the concerned Court within 3 weeks from today and move bail application and the same may be considered in accordance with law.

8. With the above said direction, this Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE G.SRI DEVI

DATED: 24.10.2019

Hsd

¹ 1992 SCC (CRL.) 426



