

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.79 of 2020

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR in Crime No.341 of 2019 of Sanjeevareddy Nagar Police Station, Hyderabad City, against the petitioners/ A-1 and A-4 and others, registered for the offences punishable under Sections 420, 468 and 471 of I.P.C.

Heard the learned counsel for the petitioners/ A-1 and A-4 and the learned Additional Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioners/ A-1 and A-4 submitted that without verifying the facts and circumstances and allegations against the petitioners/ A-1 and A-4, in a routine manner, the petitioners names are included in the above said offence and hence, the crime, which has been registered against the petitioners/ A-1 and A-4, is liable to be quashed. It is further contended that the complainant filed the present complaint with false and frivolous allegations and the present FIR is liable to be quashed.

Learned Additional Public Prosecutor opposed the prayer for quashing of the FIR and submits that the contents of the FIR clearly disclose cognizable offence and the FIR lodged in this case cannot be quashed.

After considering the various decisions including the decision of State of Haryana v. Bhajan Lal Case¹, I am of the view that there can be no interference with the investigation 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 FIR, *prima facie*, it cannot be said that no cognizable offence is made out. Hence, no ground exists for quashing of the FIR.

However, in the facts and circumstances of the case and since the petitioner/ A-1 has already been arrested and released on bail, the Criminal Petition is disposed of, directing the investigating agency to proceed with the investigation without arresting the petitioner/ A-4 in the above crime, till the investigation is completed and the charge sheet is filed. The petitioners shall cooperate with the investigating agency and shall make themselves available as and when required during course of investigation.

Miscellaneous applications, if any, pending shall stand dismissed.

(G. SRI DEVI, J)

18.02.2020
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¹ 1992 SCC (CrI.) 426