

HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.131 of 2020

ORDER:

1. This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash Crime No.1 of 2020 on the file of N.T.P.C. Police Station, Ramagundam District, registered against the petitioner/accused for the offence punishable under Section 306 IPC.

2. The case of the prosecution in brief is that on 31.12.2019, the de facto complainant lodged a complaint stating that the petitioner demanded his daughter (deceased) to give money, on which, she transferred an amount of Rs.22,000/- on 03.12.2019 and 17.12.2019 and Rs.49,600/- to mobile No.9490804072 through de facto complainant's account no, but due to constant harassment of the petitioner/accused, the deceased vexed with her life, committed suicide by hanging to the ceiling fan with a saree. Hence, the complaint.

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

4. Learned counsel for the petitioner submitted that respondent No.2 filed a false and frivolous complaint against the petitioner with an intention to harass or blackmail him; that the petitioner does not have any knowledge about the death of the deceased; that there is no iota of truth in the complaint filed by respondent No.2; and that

the petitioner has not committed any offence much less the offence with which he was charged. Learned counsel further submitted that the petitioner is a permanent resident of Warasiguda, Secunderabad, and prayed to quash the aforesaid proceedings.

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.

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, no coercive steps shall be taken against the petitioner during investigation into the aforesaid crime. After completion of investigation, if any incriminating evidence is found

¹ 1992 SCC (CrI) 426

against the petitioner, the Police are at liberty to take coercive steps against him.

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

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

JUSTICE G. SRI DEVI

07th January, 2020
dr

