

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.353 of 2020

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed by the petitioner-A5 to quash the proceedings in connection with crime No.307 of 2016 on the file of the SHO, R.G.I. Airport Police Station, R.R. District, registered for the offence punishable under Section 420 IPC and to stay all further proceedings in the said crime.

2. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. It is contended by the learned counsel for the petitioner that the petitioner has not committed the offence as alleged in the complaint. He further submits that the 2nd respondent/complainant filed the present complaint with false and frivolous allegations and the present F.I.R. is liable to be quashed.

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. Further, the application filed by the present petitioner-A5 seeking anticipatory bail was dismissed by this Court, vide order, dated 02.12.2019 in CrI.P.No.7390 of 2019. Hence, no ground exists for quashing of the F.I.R. or staying arrest of the petitioner.

6. Accordingly, this Criminal Petition is dismissed. As a sequel, miscellaneous petitions, if any pending, shall stand closed.

DATED: 20.01.2020
Hsd

JUSTICE G.SRI DEVI

¹ 1992 SCC (CRL.) 426

