

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.604 of 2020

ORDER:

This criminal petition is filed by the petitioners/A1 and A2 under Section 482 of Cr.P.C., seeking to quash the proceedings in Cr.No.209 of 2019 on the file of Makloor Police Station, Nizamabad District, registered for the offences under Sections 448, 323, 324, 506 read with Section 34 IPC, against them.

2. Heard learned counsel for the petitioners/A1 and A2; learned Additional Public Prosecutor for the 1st respondent-State and perused the record.

3. It is alleged in the complaint that on 16.12.2019, when the de-facto complainant came to home from college at late hours, his mother scolded him, and at that time, A1 and A2 entered into their house on the premise that his mother was abusing them due to previous grudges, they beat his mother with pestle resulting injuries. On 17.12.2019, she was treated in the hospital and returned to home at 2000 hours, and when his uncle and mother-in-law came to his house to console his mother, A1 and A2 again entered into his house and beat his mother-in-law and threatened his mother with dire consequences. On 18.12.2019 again, his mother was admitted into hospital due to pain and she sustained fracture to her left hand.

4. Learned counsel for the petitioners/A1 and A2 submits that the allegations in the complaint are totally concocted and fabricated in order to implicate the petitioners in the case due to previous grudges

between their families. He further submits that the Section of law was altered from Section 324 IPC to 326 IPC, which does not attract the allegations in the complaint and therefore, the proceedings in the aforesaid crime are liable to be quashed against the petitioners.

5. Learned Additional Public Prosecutor opposed the prayer for quashing of the F.I.R., and submits that the contents of FIR would disclose the cognizable offence against the petitioners and therefore, the FIR cannot be quashed.

6. After considering the various decisions including the decision of **State of Haryana v. Bhajan Lal**¹'s Case, I am of the view that there can be no interference with the investigation or order staying arrest of the petitioners 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 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 the arrest of the petitioners.

7. Accordingly, the Criminal Petition is dismissed.

8. Miscellaneous petitions, if any pending in this criminal petition, shall stand dismissed.

JUSTICE G.SRI DEVI

30th January, 2020.
sj

¹ 1992 SCC (Crl.)426

