

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.798 of 2020

ORDER:

This Criminal Petition, under Section 482 Cr.P.C. is filed by the petitioner/accused No.2 seeking to quash the proceedings against him in Crime No.258 of 2019 of Basanthnagar Police Station, Peddapalli District, registered for the offence punishable under Section 5 of the Explosive Substance Act, 1908.

2. Heard the learned counsel for the petitioner/accused No.2 and the learned Additional Public Prosecutor appearing for the respondent-State. Perused the record.

3. Learned counsel for the petitioner/accused No.2 would submit that the petitioner has not committed any offence as alleged in the complaint; that the allegations in the complaint, *prima facie*, do not disclose any offence committed by the petitioner; that the petitioner is not present at the scene of the offence and the same shall be established through documents; that the petitioner is not conducting any blasting operations or he has entrusted the same to any another person and ultimately prayed to quash the proceedings against the petitioner/accused No.2 in the subject crime.

4. 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.

5. Considering the various decisions including the decision of the Hon'ble Apex Court in ***State of Haryana v. 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.

6. From a perusal of the F.I.R., *prima facie*, it cannot be said that no cognizable offence is made out against the petitioner/accused No.2.

7. In view of the aforesaid facts and circumstances of the case, no indulgence can be shown to the petitioner/accused No.1, who has come up with this Criminal Petition. Hence, no ground exists for quashing of the F.I.R. However, if the petitioner/accused No.2 surrenders before the Court concerned within ten (10) days from today and files regular bail application, after giving prior notice to the Public Prosecutor, his bail application shall be considered by the Court concerned in accordance with law.

8. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G. SRI DEVI

10th February, 2020

YVL

¹ 1992 SCC (CrI) 426

THE HON'BLE JUSTICE G.SRI DEVI



CRIMINAL PETITION No.798 of 2020

Date:10.02.2020

YVL