

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.857 of 2020

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed by the petitioner-A2 to quash the proceedings in connection with crime No.104 of 2019 on the file of the SHO, Tadwai Police Station, Kamareddy District, registered for the offence punishable under Section 304-II r/w 34 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. Hence, no ground exists for quashing of the F.I.R. or staying arrest of the petitioner. However, the Station House Officer, Tadwai Police Station, Kamareddy District, is directed to proceed with the investigation and till submission of final report, no coercive steps shall be taken against the petitioner-A2 in the above crime.

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

DATED: 06.02.2020
Hsd

JUSTICE G.SRI DEVI

¹ 1992 SCC (CRL.) 426

