

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.984 OF 2020

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR in Crime No.82 of 2020 of P.S. Hayathnagar, Rachakonda District, against the petitioner/accused, registered for the offences punishable under Sections 376(2)(n), 419 and 493 of the Indian Penal Code and Section 3(2)(v) of SCs & STs (POA) Act, 2015.

Heard the learned counsel for the petitioner/accused and the learned Additional Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner/accused submitted that without verifying the facts and circumstances and allegations against the petitioner/accused, in a routine manner, the petitioner's name is included in the above said offence and hence, the crime, which has been registered against the petitioner/accused, is liable to be quashed. It is further contended that the complainant filed the present complaint with false and frivolous allegations and the present FIR is liable to be quashed.

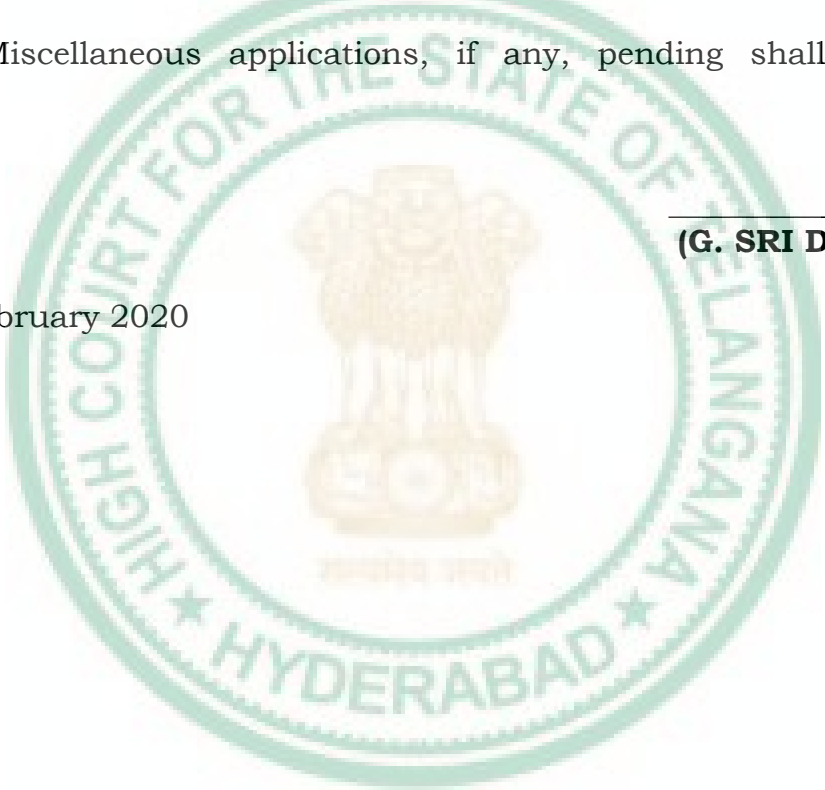
Learned Additional Public Prosecutor opposed the prayer for quashing of the FIR and submits that the contents of the FIR clearly disclose cognizable offence and the FIR lodged in this case cannot be quashed.

After considering the various decisions including the decision of **State of Haryana v. Bhajan Lal Case**¹, I am of the view that there can be no interference with the investigation 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 FIR, *prima facie*, it cannot be said that no cognizable offence is made out. Hence, no ground exists for quashing of the FIR.

Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications, if any, pending shall stand closed.

12th February 2020
RRB


(G. SRI DEVI, J)

¹ 1992 SCC (CrI.) 426