

HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.1035 of 2020

ORDER:

1. This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash Crime No.227 of 2019 on the file of Central Crime Station, Hyderabad, registered against the petitioners/accused Nos.1 to 5 for the offences punishable under Section 406 and 420 read with Section 34 IPC and Section 5 of TSPDFE Act.

2. Heard learned counsel for the petitioners, learned Additional Public Prosecutor appearing for respondent No.1-State and perused the record.

3. The case of the prosecution in brief is that on 17.10.2019 the de facto complainant lodged a complaint stating that about 3 to 4 years ago, accused Nos.1 and 2 borrowed some amount as hand loan and chit fund tuning to Rs.1,50,00,000/- from her and colony members; that on repeated requests to return the amounts, the said persons issued cheques but the same were bounced on presenting the same in the bank; and that the accused are threatening the de facto complainant and others with dire consequences to withdraw the complaints lodged against them.

4. Learned counsel for the petitioners submitted that the respondent No.2 in collusion with the Police got registered a false case against the petitioners on frivolous grounds only to harass them; that three C.Cs were filed before the Courts concerned

against the petitioners for the offence under Section 138 of the Negotiable Instruments Act and the same are pending and while so, the de facto complainant along with other signatories being aware of the said facts is trying to agitate once again the same facts which is gross abuse of process of law; and that petitioner Nos.3 to 5 have nothing to do with the aforesaid offence. Hence, the learned counsel prayed to quash the aforesaid crime.

5. 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 petitioners.

6. Considering the various decisions including the decision of the Hon'ble Apex Court in *State of Haryana Vs. Bhajan Lal*¹, I am of the considered 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 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.

7. In view of the aforesaid facts and circumstances of the case, no indulgence can be shown to the petitioners who have come up with this Criminal Petition. Hence, no ground exists for quashing of the F.I.R. However, if the petitioners surrender before the Court

¹ 1992 SCC (CrI) 426

concerned within 15 days from today and file a petition praying to grant bail, the same shall be considered by the Court concerned in accordance with law, after giving due notice to the learned Public Prosecutor concerned. For a period of 15 days, the Police shall not take any coercive steps against the petitioners in the aforesaid crime. If the petitioners do not surrender before the Court concerned within the stipulated time, the Police are at liberty to take coercive steps against them forthwith.

8. Accordingly, the Criminal Petition is disposed of.

9. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

13th February, 2020
dr

JUSTICE G. SRI DEVI

