

HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.1249 OF 2020

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure seeking to quash the proceedings against the petitioners/accused Nos.1 to 3 in Crime No.171 of 2019 of Chevella Police Station, Cyberabad District, registered for the offence punishable under Section 306 read with 34 I.P.C.

2. Heard the learned counsel for the petitioners/accused Nos.1 to 3 and the learned Additional Public Prosecutor appearing for the respondent-State.

3. Learned counsel for the petitioners/accused Nos.1 to 3 submitted that without verifying the facts and circumstances and allegations against the petitioners/accused Nos.1 to 3, in a routine manner, the petitioners' name were included in the above said crime and hence, the crime, which has been registered against the petitioners/accused Nos.1 to 3 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.

4. 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.

5. 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. However, till filing of final report/charge sheet, no coercive steps shall be taken against the present petitioners/accused Nos.1 to 3.

6. With the above direction, the Criminal Petition is dismissed.

Miscellaneous applications, if any, pending shall stand dismissed.

G. SRI DEVI, J

5th March, 2020
YVL

¹ 1992 SCC (CrI.) 426