

THE HON'BLE JUSTICE G.SRI DEVI
CRIMINAL PETITION No.1409 of 2020

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed by the petitioner-A1 to quash the proceedings in connection with crime No.28 of 2020 on the file of the SHO, Central Crime Police Station, Hyderabad, registered for the offences punishable under Sections 403, 409, 420, 465, 468 and 471 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 any of the offences 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 FI.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 petitioner-A1 is directed to surrender before the concerned Court within 3 weeks from today and file an application for regular bail after giving due notice to the Public Prosecutor and on filing such an application, the concerned Court shall consider the same in accordance with law. For a period of 3 weeks or till the petitioner-A1 surrenders before the concerned Court, whichever is earlier, no coercive steps shall be taken against him in the above crime.

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

JUSTICE G.SRI DEVI

DATED: 27.02.2020
Hsd

¹ 1992 SCC (CRL.) 426



