

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.1732 OF 2020

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR in Crime No.727 of 2019 of P.S. Neredmet, Rachakonda District, against the petitioner/A-2, registered for the offences punishable under Section 498-A and 306 of the Indian Penal Code.

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

It is contended by the learned counsel for the petitioner that the petitioner has not committed the offences as alleged in the complaint. He further submits that the second respondent/complainant filed the present complaint with false and frivolous allegations and the present F.I.R. 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**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 FIR or there is

¹ 1992 SCC (Cri.) 426

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 or staying arrest of the petitioner. However, the Station House Officer, Neredmet P.S., Rachakonda District, is directed to proceed with the investigation and till submission of final report, no coercive steps shall be taken against the petitioner/A-2 in the above crime.

Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, if any, pending shall stand dismissed.

11th March 2020
RRB

(G. SRI DEVI, J)

