

THE HON'BLE JUSTICE G.SRI DEVI
CRIMINAL PETITION No.7724 of 2019

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.163 of 2019 on the file of the SHO, Yadagirigutta Police Station, Yadadri Bhongir District, registered for the offences punishable under Sections 279, 286 and 336 IPC and 9B (1)(b) of Explosive Act, 1884 and 4 and 5 of Explosive Substances Act, 1908 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 F.I.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, if the petitioner-A1 surrenders before the concerned Court within 3 weeks from today and moves an application for regular bail after giving due notice to the Public Prosecutor, the same may be considered in accordance with law. For a period of 3 weeks, no coercive steps shall be taken against the petitioner-A1 in crime No.163 of 2019 on the file of the SHO, Yadagirigutta Police Station, Yadadri Bhongir District

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

JUSTICE G.SRI DEVI

DATED:13.02.2020
Hsd

¹ 1992 SCC (CRL.) 426

