

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.13244 of 2010

ORDER

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed to quash F.I.R.No.1385 of 2010 on the file of Banjara Hills Police Station, Hyderabad.

2. The allegation made against the petitioner/accused in the F.I.R. is that Deepthi Avenue, rep.by its Director Sri Upender Reddy, R/o.Road No.12, Banjara Hills, Hyderabad is claiming land to an extent of 2614 sq.yards in Plot No.8-C, situated at Road No.3, Banjara Hills. The said land was taken into custody of the Government. A board stating that the land is under the custody of the Tahsildar, Shaikpet Mandal, Hyderabad under the A.P. Escheats and Bona Vacantia Act, 1974 was existing since 10.09.2010 after being re-erected in view of its removal earlier. By the time above orders of *status quo* were issued, the Government Board stalled above existed with gate locked and sealed. The *status quo* was maintained till 14.12.2010 and on 15.12.2010, when he inspected the premises, the board was found not in existence and the seal of the gate was also removed and trying to change the nature of land by violating interim orders of this Court. Further, on 14.12.2010, this Court has finally disposed the writ petition *inter alia* directing as follows:

“Till this exercise is completed, the order of status quo granted by this Court during the pendency of the writ petition shall be continued.”

He has violated the orders of this Court and indulged in criminal trespass.

3. Learned counsel for the petitioner/accused submits that W.P.No.22822 of 2010 filed by the petitioner/accused against the

Government was allowed with costs on 14.12.2010; that the order of *status quo* granted by this Court was not violated by the petitioner and the property remains as it is; that the gate was not locked and sealed, as alleged in the complaint, and hence, he prays to quash the proceedings in F.I.R.No.1385 of 2010 on the file of Banjara Hills Police Station.

4. Considering the facts and circumstances of the case, this Criminal Petition is disposed of with a direction that investigation should be proceeded with; however, the Investigating Officer should not affect the arrest of the petitioner/accused in the above mentioned crime. The investigating agency is further directed to take into consideration the order, dated 14.12.2010, in W.P.No.22822 of 2010 of this Court.

5. Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

JUSTICE M.S.K.JAISWAL

Date:20.8.2015
AMD

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