

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Criminal Petition No.2237 of 2015

ORDER:

In this petition filed under Sec.482 Cr.P.C, the petitioners/A.1 to A.3 seek to quash the proceedings in Crime No.1260 of 2014 of Rajendranagar P.S, Cyberabad.

2) On the complaint given by the members of the Happy Homes Sagar Hills Owners Welfare Association to the effect that on the early morning of 06.02.2014 at about 4:00am when members of the society were in deep sleep, the petitioners/accused belonging to Tirumala Tirupathi Construction Private Limited who are the land grabbers along with their hired rowdies forcibly entered into the society and attacked the society members with guns and weapons and grabbed some gold and household articles and damaged their houses and also misbehaved with women and children, the Police registered FIR.

The investigation is reported to be pending.

3) Denying the charges, it is contended on behalf of the petitioners that originally one Hyder Ali Mirza was the owner of the lands in Sy.Nos.310, 311 and 312 admeasuring Ac.39-11gts situated in Budvel village of Rajendranagar Mandal and he died on 08.06.1983 leaving behind six legal heirs and one G.V.Satyanarayana filed an application in Form 10 under Records of Rights Act for validation of an unregistered document dated 31.10.1964 said to be executed by late Hyder Ali Mirza in his favour and the MRO Rajendranagar acted upon the said

application and issued proceedings No.D/5870/1979 dated 14.07.1972 and revalidated the unregistered said sale deed and issued certificate to that effect and thereby the name of G.V.Satyanarayana was entered in the Revenue Records and aggrieved by the said entries in the revenue records, one of the legal heirs of Hyder Ali Mirza namely Mirza Nadi filed an appeal No.C/237/2007 before RDO, Chevella which was dismissed on 08.02.2007 and aggrieved, Mirza Nadi preferred Revision Petition No. D1/4393/2008 before the Joint Collector, Ranga Reddy District and same was allowed by an order dated 12.06.2010 and the said order was challenged by M/s. Happy Home Agro Forum Limited in a Writ Petition No.15301 of 2010 and the same was dismissed on 23.02.2011 and the order of the Joint Collector was confirmed. Pursuant to the Joint Collector's Order, MRO, Rajendranagar issued memo No.D/349/2011 dated 23.04.2011 to restore the entries in pahanies from 1993-94 onwards. Thus the name of Hyder Ali Mirza is appearing in the revenue records. The legal heirs of Mirza have entered into an Agreement of Sale-cum-General Power of Attorney with Tirumala Tirupathi Constructions Private Limited Company. The petitioners are partners of the said Tirumala Tirupathi Constructions Private Limited Company. In respect of lands covered by Sy.Nos.310, 311 and 312, the Company has filed O.S.No.1472 of 2014 on the file of VII Additional District and Sessions Judge, Ranga Reddy District and obtained interim injunction till 31.12.2014 as per orders in I.A.No.3694 of 2014 and the same was extended upto 30.03.2015. The petitioner's company also filed another suit

O.S.No.1520 of 2014 and obtained interim injunction in I.A.No.3796 of 2014 and same was extended upto 30.03.2015. Thus the petitioners are not trespassers. It is further contended by the petitioners that the complainant and some others filed multiple complaints in the same Police Station in respect of same incident and as such, the Police ought not to have registered multiple complaints against the petitioners in view of pendency of the civil suits.

4) Per contra, the learned Assistant Public Prosecutor opposed the petition submitting that the petitioners/accused trespassed into the Happy Homes Sagar Hills Owners Welfare Association colony early in the morning and attacked the inmates, looted household articles and misbehaved with ladies and children and in view of the same, the Police are investigating the matter and the petition may be dismissed. He submitted that different complaints were filed by the different victims and the facts in those petitions are different.

5) In the light of the above arguments, the point for determination is:

“Whether there are merits in this Petition to allow?”

6) **POINT:** The contention of the petitioners is that the legal heirs of Hyder Ali Mirza are the original owners of the property and they entered into Agreement of sale-General Power of Attorney with Tirumala Tirupathi Constructions Private Limited Company and the petitioners are the partners of the said

company and they filed suits and obtained injunction orders in respect of the said property and they are not the trespassers. They denied having committed the acts of assault, trespass and attack on the members of the society. Be that as it may, a perusal of the FIR if uncontroverted would reveal that the petitioners/accused along with their men created havoc in the early hours of 06.12.2014 in the Happy Homes colony. As such, it is incumbent upon the Police to conduct a thorough investigation on the alleged misdeeds of the petitioners/accused. The submission of the petitioners that lodging of multiple reports on the same incident is concerned, the Police shall follow the procedure contemplated under Code of Criminal Procedure and also as laid down in the decision of our High Court reported in ***Akbaruddin Owaisi vs. Government of Andhra Pradesh and others***^[1] in dealing with such reports. Hence, the investigation in Crime No.1260 of 2014 of Rajendranagar P.S., Cyberabad, shall continue to its logical end. However, the Police of Rajendranagar Police Station, Cyberabad, are directed to strictly follow the procedure contemplated under Section 41-A Cr.P.C. towards the petitioners/ Accused Nos.1 to 3 during the course of investigation. The petitioners shall cooperate with the investigating agency for smooth completion of investigation.

7) With the above observation, the Criminal Petition is disposed of.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 15.04.2015
scs/eha

[\[1\]](#) 2013(2) ALD (CrI) 855 (AP)