

**HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION No.2170 of 2010**

**ORDER:**

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This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners/A.1 to A.3 in Crime No.115 of 2009 on the file of Station House Officer, Bahadurpura Police Station, Hyderabad, registered for the offences under Sections 448, 506 and 509 read with 34 IPC.

2. No representation on behalf of the party-in-person/second respondent on 16.02.2016. Even today also, there is no representation on behalf of the second respondent. Heard the learned counsel for the petitioners and the learned Public prosecutor representing the State.

3. A perusal of the record shows that petitioners are A.1 to A.3 and the second respondent is the *de facto* complainant in Crime No.115 of 2009. As per the allegations made in the complaint, the second respondent is the owner of the house bearing No.19-4-274/5/1, Mir-Alam Tank, Bahadurpura, Hyderabad. It is further alleged that on 02.05.2009 at about 3.00 p.m. the petitioners and others trespassed in to the house of the second respondent and damaged the house-hold articles. It is also alleged that the petitioners threatened the second respondent with dire consequences.

4. Learned counsel for the petitioners submitted that in order to overcome the criminal case registered against the second respondent, he filed a false case against the petitioners/A.1 to A.3. A perusal of the record reveals that the second petitioner herein filed OS No.468 of 2007 on the file of the court of III Additional Chief Judge, City Civil Courts, Hyderabad against the second respondent and others and obtained interim injunction vide order dated 28.08.2007 in IA No.3167 of 2007. Further, basing on the complaint lodged by the third petitioner herein, the Station House Officer, Bahadurpura Police Station

registered a case in Crime No.107 of 2009 against the second respondent and others, for the offences under Sections 420, 464, 465, 468 and 120-B IPC.

5. In view of the civil disputes between the parties, if this court expresses any opinion touching the merits of the case, it will cause prejudice to one of the parties to the proceedings. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**<sup>[1]</sup>, **State of Haryana v. Bhajan Lal**<sup>[2]</sup>, **V.Y.Jose V State of Gurajat**<sup>[3]</sup> and **Teeja Devi v. State of Rajasthan**<sup>[4]</sup>, I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

7. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. A perusal of the record reveals that this court granted interim stay on 09.3.2010. Having regard to the facts and circumstances of the case and in view of the order dated 09.3.2010 passed by this court, the Station House Officer, Bahadurpura Police Station is hereby directed not to arrest the petitioners/A.1 to A.3 till the completion of the investigation in Crime No.115 of 2000.

7. With the above direction, the criminal petition is dismissed. Miscellaneous petitions, pending if any, shall stand closed.

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**T.SUNIL CHOWDARY, J**  
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Date: 23.02.2016  
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**HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

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[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)