

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL PETITION No.3442 of 2016**

**ORDER:**

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1. This Criminal Petition is filed by the petitioners-A1 and A3 under Section 482 Cr.P.C. seeking to quash the proceedings against them in C.C.No.162 of 2014 on the file of the IV Special Magistrate, Hastinapuram, Ranga Reddy District.

2. The petitioners are alleged to have committed the offence punishable under Sections 447, 427 and 506 r/w 34 IPC. It is alleged that the 2<sup>nd</sup> respondent, who is the GPA holder of Smt. Raziya Fazal Khan, filed the present complaint stating that the petitioners committed criminal trespass and damaged the property and threw out the windows and doors in the well and threatened the said Raziya Fazal Khan with dire consequences.

3. Learned Counsel for the petitioners submitted that the property in dispute is the ancestral property of the petitioners and the husband of Smt. Raziya Fazal Khan is one of the share holders of the property in dispute and that the 1<sup>st</sup> petitioner filed a civil suit seeking partition of their ancestral properties and the 2<sup>nd</sup> respondent is one of the parties in the said suit and that the present complaint has arisen out of civil disputes.

4. The grounds raised by the petitioners are the points to be determined by the trial Court. Therefore, this Court is not inclined to interfere with the proceedings in the above case.

5. At this stage, the learned Counsel for the petitioners submitted that NBWs are pending against the petitioners.

6. In view of the above submission, the petitioners are directed to file an application before the trial Court seeking to recall NBWs issued against them. On such application being filed, the trial Court is

directed to recall NBWs issued against them on condition of each of the petitioners executing a personal bond for a sum of Rs.1,000/- (Rupees One Thousand only) with one surety for the like sum each to the satisfaction of the trial Court. The trial Court is directed to dispose of the C.C. within a period of six months from the date of receipt of a copy of this order.

7. Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE RAJA ELANGO**

Dated: 15<sup>th</sup> March, 2016

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**15.3.2016**

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