

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.11191 of 2010

ORDER:

_____ This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-A2 in Crime No.171 of 2010 on the file of Station House Officer, Shivarampally Police Station, Cyberabad registered for the offences punishable under Sections 448 and 506 IPC.

2. The learned counsel for the petitioner submitted that even if the allegations made in the complaint are taken to be true and correct, the petitioner did not enter into plot No.348/2. He further submitted that the petitioner has been in possession and enjoyment of plot No.349/1. The learned counsel for second respondent—*de facto* complainant submitted that the petitioner, taking advantage of registered sale deed in respect of plot No.349/1, trespassed into plot No.348/2 along with A1.

3. A perusal of the record reveals that the petitioner is A2 and the second respondent is *de facto* complainant in Crime No.171 of 2010. As per the allegations made in the complaint, the second respondent purchased plot No.348/2 admeasuring an extent of 302 Sq.yards situated in survey No.134/20, from Sastripuram Cooperative Housing Society, Mailardevpally village, Rajendranagar Mandal, Ranga Reddy District, and constructed asbestos shed in that plot. It is further alleged that the petitioner along with A1 trespassed into plot No.348/2 of second respondent and abused her. A perusal of the record reveals that the petitioner purchased plot No.349/1 admeasuring 302 Sq.yards in survey No.134/20 from Sastripuram Cooperative Housing Society. It appears that plot No.349/1 and plot No.348/2 are abutting to each other. A perusal of the record further reveals that the second respondent filed O.S. No.67 of 2010 on the file of the court of Senior Civil Judge, Ranga Reddy District against the petitioner and others.

Basing on the complaint lodged by the second respondent, the Station House Officer, Rajendranagar Police Station registered a case in Crime No.214 of 2010 against A1. In view of the pendency of civil and criminal proceedings between the parties, this court is not inclined to express any opinion touching the merits of the main case. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

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

6. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. This court granted interim stay on 10.11.2010. Taking into consideration the nature of the allegations made against the petitioner and the order of this court dated 10.11.2010, the Station House Officer, Shivarampally Police Station, Cyberabad is hereby directed not to arrest the petitioner-A2 till completion of investigation in Crime No.171 of 2010.

7. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T. SUNIL CHOWDARY, J

March 31, 2016

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

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

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

[\[4\]](#) (2014) 15 SCC 221