

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.15928 OF 2016

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners-A1 to A4 in Crime No.426 of 2016 on the file of Station House Officer, Pahadishareef Police Station, Cyberabad, registered for the offences punishable under Sections 447, 323 and 506 r/w IPC

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioners are A1 to A4 and the second respondent is *de facto* complainant in Crime No.426 of 2016. As per the allegations made in the complaint, on 23-09-2016 at about 11.40 hours, the petitioners herein trespassed into the room of the de facto complainant and forcibly taken the gate keys and threatened him with dire consequences. Basing on the complaint, S.H.O. of Pahadishareef Police Station registered a case against the petitioners for the above offences.

4. Learned counsel for the petitioners submitted that the employer of the 2nd respondent filed a suit in O.S.No.728 of 2016 on the file of the III Additional District Judge, R.R. District at L.B.Nagar for perpetual injunction and failed to get ex parte interim injunction. He further submitted that at the behest of the plaintiff in the above suit, the 2nd respondent foisted a false case against the petitioners.

5. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation. If this court expresses any opinion touching

the merits of the main case, the same may cause prejudice to one of the parties to the proceedings. The material available on record, *prima facie* sufficient to investigate into the matter.

6. 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.

7. 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 GUJARAT** 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.

8. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. Having regard to the facts and circumstances of the case and in view of pendency of the civil suit, the Station House Officer, Pahadishareef Police Station is hereby directed not to arrest the petitioners-A1 to A4 till completion of investigation in Crime No.426 of 2016.

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

T.SUNIL CHOWDARY, J

DATED: 14-11-2016.
Hsd

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)