

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3444 of 2016

ORDER:

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This Criminal Petition is filed by the petitioners under Section 482 Cr.P.C. seeking to quash the proceedings against them in Crime No.29 of 2016 on the file of Medipally Police Station, Cyberabad, Ranga Reddy District, registered for the offence punishable under Sections 420, 427, 447 and 506 r/w 34 IPC.

It is alleged that the 1st respondent-complainant is the daughter and sole legal heir of late Jadige Mallaiah and the said Mallaiah during his life time gifted the land to an extent of Ac.2.20 guntas in Sy.No.103 acquired by him through partition and the said land was made into plots and sold away to various persons. The plot Nos.43, 44 and 47 were kept vacant. The accused trespassed into the said land and damaged the boundary stones in order to grab the said land.

Learned Counsel for the petitioners submitted that the civil disputes are pending among the parties and that as the private complaint filed by the 2nd respondent was referred to the police by the Magistrate under Section 156(3) Cr.P.C. without following the judgment of the Apex Court, the above crime was registered.

Considering the facts and circumstances of the case, this Court is not inclined to grant the relief sought by the petitioners.

At this stage the learned Counsel for the petitioners submitted that due to pendency of the above crime, the petitioners apprehend arrest.

In view of the above submission and since the punishment for the offences alleged is less than five years, the 2nd respondent-police are directed to complete the investigation and file a final report, if any, in accordance with law, without arresting the petitioners. In the event

of necessity, the 2nd respondent-police are directed to issue notice to the petitioners for the purpose of investigation. On issuance of such notice, the petitioners are directed to appear before the investigating officer and give an undertaking as to their future appearance as and when required by the investigating agency for the purpose of investigation.

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

JUSTICE RAJA ELANGO

Dated: 15th March, 2016

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