

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2129 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/ accused 1 and 2 in Crime No.30 of 2016 on the file of Tandur Police Station, Ranga Reddy District, registered for the offences punishable under Section 323 IPC and Section 3 (1) (x) of SC & ST (Prevention of Atrocities Act), wherein the petitioners were arrayed as accused.

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Heard the learned counsel for the petitioner and the learned Pubic Prosecutor.

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Learned counsel for the petitioners mainly contended that even prior to the present complaint, the petitioners herein lodged a complaint against the *de facto* complainant to the Superintendent of Police, Vikarabad, Ranga Reddy District regarding his construction of a building in the lands of the petitioners herein and aggrieved by the said complaint, the present complaint has been lodged against the petitioners with false allegations.

A perusal of the material on record shows that there are cases pending between the petitioners and the *de facto* complainant in respect of the land. The truth or otherwise of the allegations made in the complaint will be find out by the investigating agency during the course of investigation. Since the crime is under investigation, the same cannot be decided by this Court and hence, this Court is not inclined to interfere with the investigation into the crime by invoking the provisions of Section 482 Cr.P.C.

Learned counsel for the petitioner stated that the petitioners/A-1 and A-2 are apprehending arrest in view of the pendency of the above crime.

Having regard to the facts and circumstances of the case and also in view of the nature of offence alleged against the petitioners, this Court is not inclined to interfere with the proceedings against the petitioners/A-1 and A-2. However, in view of the submission of the learned counsel for the petitioners regarding apprehension of the arrest of the petitioners in view of pendency of the above crime, the police concerned are directed to complete the investigation without arresting the petitioners/A-1 and A-2 and file the final report in accordance with law. The petitioners/A-1 and A-2 are directed to appear before the Investigating Agency as and when their presence is required, and cooperate with the Investigating Agency.

With the above direction, the Criminal Petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 22-02-2016

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