

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.14479 of 2016

ORDER:

This is a Petition filed to quash the proceedings in Cr.No.470 of 2016 on the file of Chaitanyapuri P.S., Hyderabad, on the ground that it is a matter of civil nature and there is a discrepancy regarding survey number of the land claimed by the parties and more particularly, the complainant claimed right in a land in S.No.9/1F situated in Haripuri Colony, Saroornagar Village and Mandal; whereas the petitioners are claiming right in the land in Sy.No.9/1 of Sivapuri Colony, Saroornagar Village and Mandal.

The case of the *de facto* complainant is that on 19.08.2016 at about 9.00 am, petitioners/1 to 3 and some others allegedly came to his site and threatened the watchman, beat him with hands and trespassed into the plot. It is also alleged that they threatened the watchman with dire consequences and fixed a name board to the gate of the premises that this land belongs to V. Satyam. On coming to know about the incident, the *de facto* complainant came and report to the police noticing about the name board to the gate of the land. The petitioners also filed O.S.No.1191 of 2016 on the file of II Additional Senior Civil Judge at L.B. Nagar and filed I.A.No.720 of 2016 against the de facto complainant and obtained *status quo* order dt. 9.8.16 in their favour. Thus, it

appears from the allegation made in the petition that there is a civil dispute pending between them regarding ownership and possession of property with different survey numbers. However, the Police, after receipt of complaint, issued a Notice under Section 41-A of Cr.P.C., but the petitioner did not respond to the said notice.

During hearing, learned Public Prosecutor submitted that since the petitioners did not respond to the notice issued by the Police, a direction may be issued to the petitioners to appear before the police in pursuance of the Notice under Section 41-A of Cr.P.C.

In view of the submission of learned Public Prosecutor and the submissions of the learned counsel for the petitioners, I find that it is a fit case to direct the police to follow the procedure contemplated under Section 41-A of Cr.P.C., in view of the judgment reported in **Arnesh Kumar v. State of Bihar and another**¹.

With the above observation, this Criminal Petition is disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 17.10. 2016
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¹ 2014(8) SCALE 250

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Crl.P. No.14479 of 2016

Dt. 17.10. 2016

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