

HON' BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.279 OF 2017

ORDER:

The present petition is filed under Section 482 Cr.P.C requesting to quash the FIR in Crime No.540 of 2016 dated 31.12.2016 of police station, Medchal alleging the offences punishable under Sections 447, 427, 506 and 379 IPC. The FIR was registered against both the petitioners showing them as accused 1 and 2 basing on the private complaint filed in the court and referred by the concerned Judicial Magistrate of First Class, Cyberabad at Medchal for investigation under Section 156(3) Cr.P.C.

Heard Sri T.S.Praveen Kumar, learned counsel for the petitioners and the learned Additional Public Prosecutor for the state of Telangana.

Learned counsel no doubt made an attempt to show that it is purely a civil dispute and has drawn the attention to the *status quo* orders passed by the first appellate Court in C.M.A. and it is his submission that the contempt proceedings initiated by the *de facto* complainant were also closed by dismissing it on 23.07.2010 and on these grounds, he seeks to quash the FIR.

Learned Additional Public Prosecutor on the other hand would contend that there is a clear allegation of offence of trespass and the incidental acts of the petitioners leading to the commission of offences alleged against them.

Perused the FIR and other material on record. There is a clear recital in the complaint even at this stage making out *prima facie* material so far as the offence of trespass and removal of barbed wire from the property of the *de facto* complainant is concerned and it is not a case where the complaint can be quashed at this stage.

Hence, the present Criminal Petition is dismissed. It is open to the petitioners to submit the material papers before the Investigating Officer which support their claim.

Miscellaneous applications, if any pending in this criminal petition, stand closed.

18th January, 2017
Rns

A. SHANKAR NARAYANA, J

