

THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

CRIMINAL PETITION No. 8196 of 2011

ORDER:

The petitioners are the accused Nos.1 and 2 in C.C.No.2293 of 2009 on the file of XVII Additional Chief Metropolitan Magistrate, Hyderabad.

2. On the complaint of the 2nd respondent herein, the police registered a case in Crime No.215 of 2009 against the above petitioners and after completion of investigation, they filed charge sheet against the petitioners for the offences under Sections 448, 506 r/w 34 IPC. The accused have constructed their house behind the house of defacto complainant. The defacto complainant had filed a civil case against the accused and obtained injunction order. It is alleged that on 01.07.2009, the accused reached the balcony situated behind the house of the defacto complainant and got demolished the same with the help of workers. The defacto complainant had taken photographs of the said incident. It is alleged that the accused threatened the defacto complainant with dire consequences when he tried to obstruct them in the demolition work.

3. Heard the arguments of the learned counsel for the petitioners, and the respondents.

4. At the outset, the material on record reveals that the defacto complainant filed a civil suit against the petitioners and obtained injunction order. In that regard, there were disputes between the petitioners and the defacto complainant. The defacto complainant had lodged a complaint against the petitioners that they have trespassed into his house and demolished the construction and threatened with dire consequences. The police registered a case in Crime No.215 of 2009 against the petitioners for the offences under Sections 448 and 506 IPC. Therefore, there are allegations against the petitioners attracting offences under Sections 448 and 506 r/w 34 IPC, and therefore this is not a fit case to quash the proceedings against the petitioners.

5. In the result, the criminal petition is dismissed. However, in the circumstances of the case, the petitioners are given liberty to file a petition before the trial Court to dispense with their appearance during trial. No costs. Miscellaneous petitions, if any pending, shall also stand dismissed.

GUDI SEVA SHYAM PRASAD, J

11th October, 2017

SSP / KSM



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