

HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

CRIMINAL PETITION No.341 OF 2011

ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the F.I.R.No.7 of 2011, Kohir Police Station, Medak District and to stay of all further proceedings including the appearance of petitioners.

The petitioners are the accused.

The brief facts of the case are that on 04.01.2011, a complaint has been lodged under Section 200 Cr.P.C. alleging that the *de facto* complainant has obtained an injunction order against petitioner Nos.1 to 3 in I.A.No.478 of 2010 in O.S.No.99 of 2010 wherein the petitioners were directed not to cause any obstruction to the complainant in using the 12 feet width passage in Sy.No.28 for the purpose of ingress and egress to his land admeasuring Acs.4.29 guntas in Sy.No.28.

It is further alleged that after obtaining the injunction order the complainant was making efforts to correct the way to go to his fields in the said 12 feet width passage. The petitioners along with their security staff have criminally trespassed and tried to damage the passage, and abused the complainant in filthy language and beat him. The Judicial First Class Magistrate, Zaheerabad received a complaint in that regard and referred the matter under Section 156(3) Cr.P.C. to the police for investigation. The Sub-Inspector of police, Kohir Police Station investigated the matter and registered F.I.R.No.7 of 2011 under Sections 323, 448, 427 and 504 of I.P.C. against the accused. Aggrieved by registering the F.I.R. against petitioners, they preferred this petition for quash of the F.I.R.

Though notice was served to respondent No.1, none appeared on his behalf.

Heard learned counsel for the petitioner and learned Public Prosecutor.

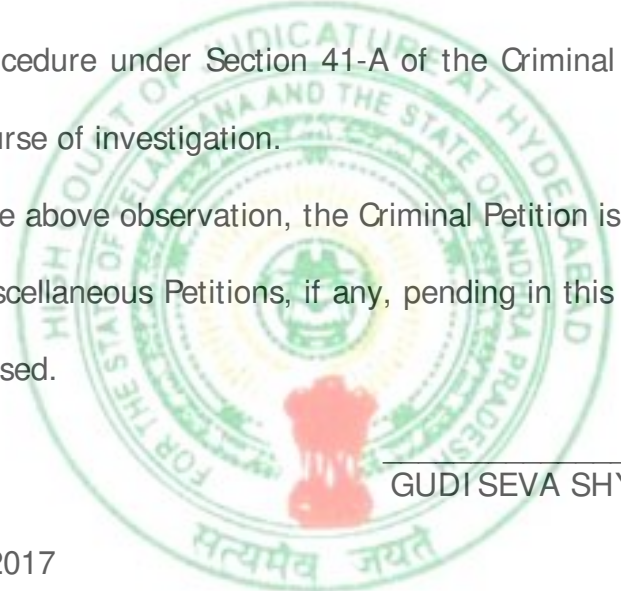
Learned counsel for the petitioner submits that a direction may be given to the police to follow the procedure under Section 41-A of the Criminal Procedure Code during the proceedings.

Learned Public Prosecutor reported no objection.

Having regard to the facts and circumstances of the case, the Station House Officer, Kohir Police Station, Medak District is directed to follow the procedure under Section 41-A of the Criminal Procedure Code during the course of investigation.

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

The Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.



GUDI SEVA SHYAM PRASAD,J

Date : 04.10.2017
ssp