

HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

CRIMINAL PETITION No.438 OF 2011

ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings in Crime No.30 of 2011 of Saifabad Police Station, Lakdikapool, Hyderabad, dated 17.01.2011 registered for the offences under Sections 457 and 380 of I.P.C. against the petitioner.

The brief facts of the case are that, the petitioner is the owner and possessor of house bearing No.5-9-30/C situated at Basheerbagh, Hyderabad and the 2<sup>nd</sup> respondent is his tenant. The petitioner had let out his shop to 2<sup>nd</sup> respondent, who is a tailor by profession. The 2<sup>nd</sup> respondent voluntarily vacated the said shop one year prior to the filing of this petition and the petitioner has been in possession of the same. After vacating the said shop, the 2<sup>nd</sup> respondent made illegal demands and threatened the petitioner that he would file a criminal case against him. Thereafter, the 2<sup>nd</sup> respondent filed O.S.No.4379 of 2010 on 23.12.2010 and obtained a temporary injunction against him. Later he had also filed a criminal complaint on 17.01.2011 alleging that he is continuing in the said mulgi as tenant and the petitioner is harassing him to vacate the mulgi, though he had injunction orders of the Civil Court in his favour. On that allegation, the Saifabad police registered a case in crime No.30 of 2011 under Sections 457 and 308 IPC against the petitioner. Aggrieved by the same, the present criminal petition is filed.

Heard both sides and perused the material on record.

Learned counsel for the petitioner submitted that the 2<sup>nd</sup> respondent has vacated the shop voluntarily, but he had filed a false complaint against the petitioner. It is further submitted that the petitioner

being the owner of the said house, he would not have caused any damage to his own property. The suit and the complaint filed by the 2<sup>nd</sup> respondent are false and baseless. It is further submitted that in a similar case i.e., in CrI.P.No.439 of 2011 dated 26.09.2013, this Court had passed an order directing the investigating agency to complete the investigation without effecting arrest of the petitioner, and also to file final report. Therefore, he sought for similar order in this case also.

Learned Public Prosecutor submits that in this case interim stay has been granted by this Court, as such the investigation has not been progressed for the last seven years.

On considering the arguments of both sides and in view of the interim order passed in CrI.P.No.439 of 2011, dated 26.09.2013, the investigating agency is directed to complete the investigation in this matter by following the procedure contemplated under Section 41A of Cr.P.C. and the petitioner is given liberty to file appropriate petition before the trial Court for redressal of his grievance.

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

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

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GUDI SEVA SHYAM PRASAD,J

Date : 04.10.2017  
ssp