

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.46457 OF 2016

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for respondents 1 to 3.

In spite of service of notice on the fourth respondent, none appears.

This writ petition is filed challenging the registration of crime No.710 of 2016, dated 26.12.2016 on the complaint lodged by the fourth respondent.

A perusal of the complaint shows that the fourth respondent was a tenant of the premises bearing No.6-2-95/33, Khushal Towers, Khairatabad, Hyderabad, and he was paying rents regularly to the landlord. On 18.12.2016, in his absence, the petitioners trespassed into his shop by damaging shutter locks, display boards and took away office tables, chairs, computers etc. The fourth respondent also stated that he filed a suit for injunction and obtained *status quo* order in I.A.No.342 of 2016 in O.S.No.2985 of 2016 on the file of the V Junior Civil Judge, City Civil Courts, Hyderabad, and the order was valid till 02.01.2017.

This Court, by order, dated 30.12.2016, directed the police not to arrest the petitioners. Today, when the matter is listed for hearing, the learned counsel for the petitioners submits that I.A.No.342 of 2016 itself was dismissed on 06.01.2017 by holding that the fourth respondent herein failed to establish that he is running a business in the name and style 'KGN Associates' and there was no dispute that the petitioners herein are owners of the schedule property and that the fourth respondent was allowed to sit in the schedule property from March, 2016 only and hence, the fourth respondent's plea that he was a tenant of the petitioners herein from 2006 onwards was not proved.

In the light of the above findings, there is no *prima facie* case of interference of the petitioners herein with the possession of the fourth respondent on 18.12.2016. In view of the same, registration of crime No.710 of 2016 is a misuse of process of Court and accordingly it is quashed.

The writ petition is accordingly allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

20.03.2017
pln

