

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 2849 of 2017

ORDER:

Since this writ petition is taken up for disposal at the stage of admission, issuance of notice to respondent No.4 is dispensed with.

It is the case of the petitioners that they are in possession of house bearing No. 4-34, admeasuring 400 square yards, which is their ancestral property, situated at Maruthi Nagar, Malkajgiri, Ranga Reddy District, and they have been paying property tax for the same. They have applied for electricity connection and the same was given. While so, respondent No.4, claiming title to the said property, lodged a complaint against the petitioners, before the Station House Officer, Malkajgiri Police Station-respondent No.3 alleging their interference and on the basis of the said complaint, respondent No.3 registered a case in Crime No.55 of 2017 on 18.01.2017 for the offences punishable under Sections 341, 447, 427 and 504 IPC read with Section 34 IPC. Later on, it was intimated to the Court that the offence punishable under Section 3 (1) (i) (f) of the SC/ST (POA) Amendment Act, 2015 was added in F.I.R. The petitioners apprehend their arrest in connection with the said crime. They state that they have taken appropriate civil proceedings in competent Court of law.

Since this writ petition is filed for quashing the said crime, this Court cannot entertain the same. So far as the petitioners' apprehension with regard to their arrest is concerned, it can be said that the Code of Criminal Procedure provides safeguards, which include issuance of notice under Section 41-A.

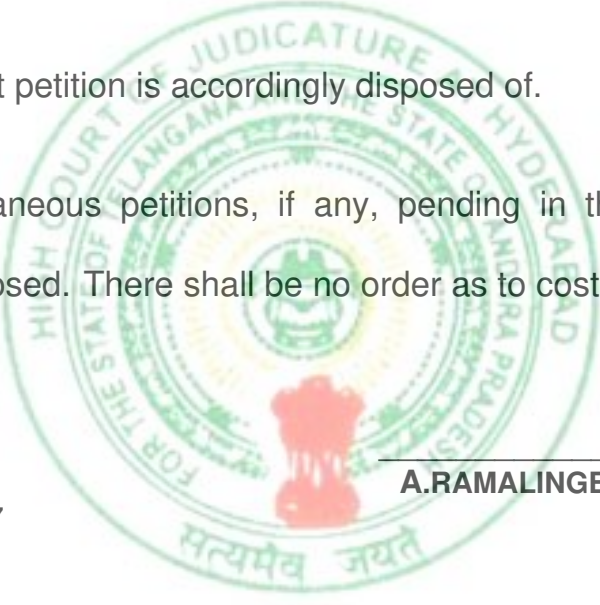
In view of the above, it is needless to observe that the police while investigating the crime shall take necessary steps in accordance with law and it is open to the petitioners to pursue the civil proceedings against respondent No.4.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

Dt:30.01.2017

kdl



A.RAMALINGESWARA RAO,J

