

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.2454 of 2014

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners-A.1 to A.4 seeking to quash the proceedings in Crime No.10 of 2014 of Itchoda Police Station, Adilabad District, registered for the offences under Sections 447, 427 and 109 I.P.C. r/w Section 34 I.P.C. and Sections 3(1)(ii), (iv), (v), (viii), (ix), (xv) and 3(2)(vi) of the S.Cs. and S.Ts. (POA) Act.

2. Heard the learned counsel for the petitioners-A.1 to A.4 and the learned counsel for the 1st respondent-State, apart from perusing the material on record.

3. Learned counsel for the petitioners-A.1 to A.4 would submit that the allegations made in the complaint referred under Section 156(3) r/w 2(D) Cr.P.C. do not constitute the offences under Sections 447, 427 and 109 I.P.C. r/w Section 34 I.P.C. and Sections 3(1)(ii), (iv), (v), (viii), (ix), (xv) and 3(2)(vi) of the S.Cs. and S.Ts. (POA) Act; there is no material to proceed with the matter; and ultimately, prayed to quash the proceedings in the above crime.

4. Learned Assistant Public Prosecutor would submit that in view of the nature of allegations, the investigation can be proceeded with.

5. Learned counsel appearing on behalf of respondent No.2 opposed the grant of any relief in favour of the petitioners.

6. There are documents to substantiate the claims of parties over the disputed land regarding title, as well as the possession. To

substantiate whether the petitioners are innocent or otherwise, the investigation has to be conducted.

7. Under these circumstances, the Station House Officer, Itchoda Police Station, Adilabad District, is directed not to arrest the petitioners-A.1 to A.4 in Crime No.10 of 2014, but he can proceed with the investigation and file final report in accordance with law.

8. With the above direction, this Criminal Petition is disposed of. Pending Miscellaneous Petitions, if any, shall stand closed.

29th January, 2018
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Dr. SHAMEEM AKTHER, J

