

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.785 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.2, seeking to quash the proceedings in Crime No.104 of 2016 on the file of the Santoshnagar Police Station, Hyderabad District, registered for the offences under Sections 447, 511, 506 of I.P.C. and Section 3(1)(x) of the SCs & STs (POA) Act.

2. Heard the learned counsel for the petitioner/accused No.2, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioner/accused No.2 would submit that false report was lodged by the respondent No.2/de-facto complainant and that the petitioner/accused No.2 was unnecessarily roped in this case due to civil disputes. In the course of submissions, the learned counsel for the petitioner/accused No.2 had drawn the attention of this Court to the order, dated 23.09.2008, passed in O.S.No.3586 of 2004 by the learned VII Senior Civil Judge, City Civil Court, Hyderabad, wherein, the suit said to have been filed by the de-facto complainant herein—K.Kishtaiah for permanent injunction relating to agricultural land of Acs.2.00 acres in survey Nos.48 and 49 situated at Madannapet Village, was dismissed.

4. As per the submissions made by the learned counsel for the petitioner/accused No.2, the alleged trespass said to have been

made in the land covered by the aforesaid survey numbers. Under these circumstances, the police concerned shall not arrest the petitioner/accused No.2, pending investigation. They can proceed with the investigation of the case and file charge sheet or final report, as the case may be.

5. With the above direction, the Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand dismissed.

Dr. Shameem Akther, J

31st January, 2018
Bvv

