

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1473 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, seeking to quash the proceedings in Crime No.350 of 2017 on the file of the Kachiguda Police Station, Hyderabad District, registered for the offence under Section 447 of I.P.C.

2. Heard the learned counsel for the petitioner/accused, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioner/accused would submit that the petitioner/accused is the owner and possessor of the house bearing municipal No.2-2-1096 (New No.2-2-1093/82/A) admeasuring 145 square yards (Plinth area as well as open area), situated at S.V.Nagar, Golnaka, Amberpet, Hyderabad. The averments in the First Information Report are that the petitioner/accused, without any right, title and interest over the said property, trespassed into the said property. On the basis of the report lodged with the police, the instant crime is registered.

4. The petitioner/accused has filed a copy of the interim injunction order, dated 25.04.2017, passed in I.A.No260 of 2017 in O.S.No.1084 of 2017, by the learned VII Junior Civil Judge, City Civil Court, Hyderabad, wherein, the new house number of

the subject property is shown as 2-2-1093/82/A, whereas, in the report lodged with the police, the house number is mentioned as 2-2-1093/83. In view of the same, this Court deems it appropriate to dispose of this Criminal Petition with appropriate directions.

5. Accordingly, the Station House Officer/Investigating Officer concerned shall not arrest the petitioner/accused pending investigation. He can complete the investigation of the case and file charge-sheet with regard to the innocence or otherwise of the petitioner/accused. However, the petitioner/accused is directed to cooperate with the investigating officer in the investigation of the case.

6. With the above directions, this Criminal Petition is disposed of.

Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

09th February, 2018
Bvv