THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1964 OF 2018

ORDER:

This petition is filed by the petitioners-A1 to A4 under Section 482 Cr.P.C. to quash the proceedings in Cr.No.5 of 2018 on the file of the Station House Officer, Bommala Ramaram Police Station, Rachakonda District, which was registered for the offences punishable under Sections 143, 447 and 427 IPC.

2. Heard learned counsel for the petitioners, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners would submit that the petitioners are owners and possessors of the land in Sy.No.55/VU/2, admeasuring Ac.019 guntas situated at Yavapur village. The petitioners did not trespass into the land of the de facto complainant. All the allegations made in the F.I.R. are false and ultimately, prayed to allow the petition.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought for by the petitioners in the petition.

5. As per the copy of the order, dated 29.12.2017 in I.A.No.550 of 2017 in O.S.No.209 of 2017 on the file of the Principal Junior Civil Judge, Bhongir, it is evident that the petitioner-A1 obtained interim injunction order against the de facto complainant restraining him from interfering in the above land. The subject matter of the above order is only Ac.0.19 guntas. In the said survey number, there is other extent. As per the submissions made, it is about Ac.3.00

and above. The truth or otherwise of the allegations is required to be determined after an investigation. In the circumstances, the S.H.O./Investigating Officer concerned shall complete the investigation of the crime and file charge sheet or final report as the case may be, without arresting the petitioners-A1 to A4.

6. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 20-02-2018.
Hsd