

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.2851 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused to quash the proceedings in Crime No.10 of 2018 on the file of Hathnoora Police Station, Sangareddy District, registered for the offences under Sections 447, 427, 506-II 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 would submit that the petitioner/accused did not go to the subject land and he did not commit any offence as alleged in the report lodged with the police. The petitioner/accused is falsely implicated in this case and ultimately prayed to allow the application.

4. On the other hand, the learned Assistant Public Prosecutor would submit that the petitioner/accused has trespassed into the subject land and damaged the same and made threats and ultimately prayed to dismiss the application.

5. As per the report, dated 06.02.2018, lodged by the de-facto complainant, on 19.01.2018, around 01:00 PM, the petitioner/accused, who is a resident of Hyderabad, alleged to have trespassed into the land belonging to the de-facto complainant, which is being maintained by one Narsimha Goud.

It is also alleged that the petitioner/accused damaged the poles and also disturbed the existing boundary walls of the subject land and threatened said Narsimha Goud with dire consequences. There are specific allegations of trespass, damaging the property and threats against the petitioner/accused. To find out the truth or otherwise of the allegations, investigation has to go on. It cannot be held at this stage that no alleged incident took place. Continuation of investigation will not amount to abuse of process of law. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

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

08th March, 2018
Bvv

Dr. SHAMEEM AKTHER, J

