

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.3009 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 & A.2 to quash the proceedings in Crime No.171 of 2018 on the file of Mailardevpally Police Station, Cyberabad Commissionerate, registered for the offence under Sections 447 & 427 of I.P.C.

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

3. The learned counsel for the petitioners/A.1 & A.2 would submit that the petitioners/A.1 & A.2 are the owners and possessors of the plot bearing No.184 situated in Survey No.31, 32, 33 of Laxmiguda Village, Rajendranagar Mandal and the de-facto complainant has no right, title and interest over the said plot. The petitioners/A.1 & A.2 have also obtained injunction order in respect of their plot from the competent civil Court, vide order, dated 23.02.2018, passed in I.A.No.91 of 2018 in O.S.No.49 of 2018 on the file of Additional Junior Civil Judge – cum – XVII Metropolitan Magistrate, Cyberabad at Rajendranganar and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the relief sought by the petitioners/A.1 and A.2.

5. As per the record placed before this Court, the de-facto complainant is claiming ownership and possession over plot No.185. The allegation is that he has constructed a compound wall around his plot admeasuring 200 square yards and the petitioners/A.1 & A.2 alleged to have illegally trespassed into the said plot and started construction of a compound wall thereon. The truth or otherwise of the allegations require investigation. At this juncture, it is difficult to hold that the petitioners/A.1 & A.2 did not interfere with the possession of the de-facto complainant and the alleged trespass. It is not appropriate to give any finding with regard to the possession or alleged trespass over the disputed plot. It is not a fit case to quash the proceedings against the petitioners/A.1 & A.2. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, this Criminal Petition is dismissed.

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

Dr. SHAMEEM AKTHER, J

12th March, 2018
Bvv