

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No. 3619 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure by the petitioner/accused seeking to quash the proceedings against him in Crime No.109 of 2018 of Alwal Police Station, Cyberabad, registered for the offences under Sections 447, 427 and 506 IPC.

The brief allegations in the complaint are that the *de facto* complainant constructed a building and raised a compound wall around the said property and put up a board as "the property belongs to M.Dhanalakshmi, W/o M.Sambasiva Rao" and despite the same, on 09.03.2018, the petitioner/accused along with his henchmen came to the said property and demolished the compound wall. Hence, the complaint.

Learned counsel for the petitioner would submit that in respect of the part of the same property, the petitioner/accused and others filed civil suit, O.S.No.503 of 2014 on the file of the Court of the XVI Additional District and Sessions Judge, Cyberabad at Malkajgiri, against the aforesaid Dhanalakshmi and others and in I.A.No.252 of 2014, the Court was pleased to grant *status quo* orders on 22.01.2015 and the same was in force, and therefore, it is preposterous to contend that the petitioner and others demolished the compound wall. He would submit that the dispute is purely a civil one and the petitioner and others were falsely implicated. He, thus, prayed to quash the proceedings.

Learned Additional Public Prosecutor would submit that the investigation is still in the nascent stage.

Having regard to the submission of the learned Additional Public Prosecutor that the investigation is still at the inceptional stage, whether the property involved in the crime and the property shown in the civil suit are one and the same and whether the accused and others have committed the

offence or not can be determined only after a full-fledged investigation. In that view, it is not apt to quash the proceedings. Therefore, the investigation shall proceed to its logical conclusion. However, the investigating officer shall strictly follow the procedure contemplated under Section 41-A of CrPC., during the course of investigation and the petitioner/accused shall cooperate with the investigating agency for smooth completion of investigation.

The criminal petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, shall stand closed.

U.DURGA PRASAD RAO, J

28.03.2018
pln

