

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3623 of 2018

ORDER:

This Petition is filed by the petitioners/accused under Section 482 Cr.P.C., seeking to quash the proceedings against them in FIR No. 213 of 2018 of Narsingi Police Station, Cyberabad, registered for the offences under Sections 420, 406, 504, 506 and 353 IPC.

Investigation is reported to be pending.

While opposing the complaint allegations, the submission of learned counsel for petitioners/accused is that the complaint is woefully silent as to the date of the alleged offence and the method and manner in which the petitioners/accused have obstructed the acts of the complainant. It is further submitted that there are number of writ petitions pending, in which stay orders were also issued in respect of the disputed properties and this complaint is a counter blast to the writ petitions filed by the complainant. Learned counsel referred the copies of orders in WPMP No. 27623 of 2016 in W.P.No. 22466 of 2016 and also common order in W.P.No. 22466 of 2016 and W.P.No. 22560 of 2004 to submit that interim orders were already passed in those matters.

Learned Additional Public Prosecutor would submit that investigation is in the nascent stage and only two witnesses are examined so far.

Since the investigation is in the inceptional stage, it is not apt to stifle the investigation as unless the investigation is proceeded to its logical conclusion, it will be difficult to ascertain whether the petitioners/accused have any right in the disputed property of the temple and whether they have committed any acts of wiping the writings made on the walls by the complainant etc. Therefore, the investigation shall continue. However, having regard to the nature of the offence alleged, the Investigating Officer shall strictly follow the procedure contemplated under Section 41-A Cr.P.C., during the investigation towards petitioners/accused and the petitioners/accused shall cooperate with the investigating agency for smooth completion of investigation.

Accordingly, the Criminal Petition is disposed of. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 28.03.2018
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