

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3762 of 2018

ORDER:

This Criminal Petition is filed by the petitioners/A1 to A3 under Section 482 Cr.P.C, to quash the proceedings against them in Crime No. 17 of 2018 of Sirikonda Police Station, Nizamabad District registered for the offences under Sections 447 & 427 r/w Section 34 IPC.

2. The submission of learned counsel for petitioners is that there are civil disputes pending between the de-facto complainant and the petitioners/A1 to A3. Referring to O.S.No. 116 of 2016, on the file of Principal Junior Civil Judge, Armoor, learned counsel would submit that the de-facto complainant's brother Sri M. Sudhakar Rao filed the said Suit against petitioners/A1 and A2 and in I.A.No. 404 of 2016, he sought for interim injunction, which was dismissed after enquiry. Similarly, the said Sri M. Sudhakar Rao represented by the present complainant as his GPA, filed O.S.No. 41 of 2017 on the file of Senior Civil Judge at Nizamabad against petitioners/A1 and A2 for injunction and the said suit is pending. Since both the brothers failed in their attempt to obtain injunction, learned counsel would submit, they filed false complaint as if

the petitioners trespassed into the property covered by O.S.No. 41 of 2017. He, thus, prayed to quash the proceedings.

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

4. In view of the above submission, investigation shall go on. However, having regard to the nature of the offences i.e., Sections 447 and 427 r/w 34 IPC, the Investigating Officer shall strictly follow the procedure contemplated under Section 41-A Cr.P.C towards petitioners/A1 to A3 during the course of investigation. The petitioners/A1 to A3, in their turn, shall cooperate with the Investigating Officer for smooth completion of investigation.

5. 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: 03.04.2018

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Note: Furnish copy by tomorrow.