

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.4173 of 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/accused seeking to quash the proceedings in Crime No.127/2017 of Shabad PS, Cyberabad, registered against him for the offences under Sections 420, 467, 504, 506 IPC and Section 3(1)(r)(s) of SC, ST (POA) Act, 2015.

- 2) Investigation is reported to be pending.
- 3) The *defacto* complainant lodged a complaint with the allegations that his father—Bheemaiah purchased 5 Acres of land in Sy.No.203 from his villager—Ramachandra Reddy, for Rs.45,000/- on 25.04.1994 and since then they are in possession and cultivating the same. While-so, after the death of his father on 24.03.1997, the complainant approached the MRO, Shabad to mutate his name in the revenue records and after enquiry, MRO, Shabad issued patta passbooks in Proceedings No.B/1583/2007 on 21.03.2007. Later, the accused filed a petition No.C/345/2010 before RDO, Chevella and after enquiry, MRO Shabad was instructed to issue Pass Books in favour of accused and basing on the proceedings issued by RDO, Chevella, the accused approached the ADJ Court at Vikarabad and obtained interim injunction. Thereafter, the complainant approached the ADJ Court at Vikarabad and shown his documents and requested the Court not to

extend the interim order. The complainant got to know that Passbooks were issued in favour of accused vide Proceedings No.B/1586/2016. It is further contended that on 25.05.2017, the accused and others tried to enter into the land and when the complainant resisted them, the accused and others abused the complainant in the name of caste and threatened with dire consequences.

4) While refuting the complaint allegations, learned counsel for petitioner would submit that the petitioner filed O.S.No.92 of 2016 on the file of XII Additional District and Sessions Judge, Vikarabad, Ranga Reddy District and in I.A.No.584 of 2016, the said Court granted interim injunction against the *defacto* complainant and others and as a counterblast, a false case is foisted against the petitioners. On this submission, learned counsel sought for quashment of the proceedings.

5) In the light of above facts, this Court is of the considered view that the investigation, which is in underway shall be continued to its logical end. However, the Investigating Officer shall strictly follow the guidelines rendered by Hon'ble Apex Court in the decision reported in ***Arnesh Kumar vs. State of Bihar***¹ and also the procedure contemplated under Section 41-A Cr.P.C during the course of investigation towards the petitioner/accused. In turn, the petitioner/accused shall cooperate with the investigating agency for smooth completion of investigation.

¹ AIR 2014 SC 2756

6) Accordingly, this Criminal Petition is disposed of.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 16.04.2018

Note: Issue CC by tomorrow.

(b/o)

scs

