

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.7113 OF 2015

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner-A.5 seeking to quash the proceedings in Crime No.571 of 2014 of P.M.Palem Police Station, Visakhapatnam City, registered for the offences under Sections 427, 447 r/w 34 I.P.C.

2. Heard the learned counsel for the petitioner-A.5, the learned Assistant Public Prosecutor for the 1st respondent-State and the learned counsel for the 2nd respondent-*de facto* complainant, apart from perusing the material on record.

3. As per the record placed before this Court, it is alleged that the petitioner-A.5 along with other accused in this case trespassed into the property said to have been belonging to the *de facto* complainant and caused some damage. It is contended that there are civil disputes with regard to the subject property pending before competent Civil Courts. It is also contended on behalf of the petitioner-A.5 that in order to take leverage in Civil Courts and coerce the petitioner-A.5, this case is filed. The truth or otherwise of the allegations made in the report, dated 23.09.2014 lodged with the police, can be determined after due investigation. Under these circumstances, the investigating officer is directed to complete the investigation of the case and file final report without arresting the petitioner-A.5.

4. With the above direction, the Criminal Petition is disposed of. Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

20th February, 2018
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