

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.2167 of 2011

ORDER:

In this petition filed under Section 482 Cr.P.C, petitioners/A1 to A3 seek to quash the proceedings against them in Crime No. 124 of 2011 of KPHB Colony Police Station, registered for the offences under Sections 120-B, 420 r/w 511, 427, 447 and 506 IPC.

2. The complaint allegations briefly are that the complainant is the owner of plot Nos. 87 & 88 admeasuring 206 sq.yards in Sy.No. 94 of Nizampet Village. In December 2010 when the GPA holder of the complainant visited those plots, he found A-4 and one Mr. Chowdary of KPHB Colony, who is builder, trespassed into the plots of the complainant and demolished the compound wall on two sides and disturbed the demarcation stones. When objected and questioned, they told that the property belongs to A1 to A3 and they authorized them to demolish. Hence, the complaint.

3. Denying the complaint allegations, it is the argument of learned counsel for petitioners that the petitioners are owners of the property and they have not committed any tress pass as alleged.

4. As can be seen, whether the property belonged to the complainant or the accused and whether the accused have committed acts of trespass and demolition of compound wall can be determined only after full-fledged investigation. The investigation is at the nascent stage and as such, it shall lead to its logical conclusion.

5. Having regard to the facts of the case, the investigating officer shall proceed with the investigation and during the course of investigation he shall scrupulously follow the guidelines rendered by the Hon'ble Apex Court in **Arnesh Kumar V. State of Bihar**¹ and also Section 41-A Cr.P.C., and complete the investigation expeditiously. Petitioners/A1 to A3 are directed to cooperate with the investigating agency 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.

Date: 02.07.2018
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U. DURGA PRASAD RAO, J

¹ (2014) 8 SCC 273