

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.5413 of 2018

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioners/ accused in Crime No.353 of 2013 on the file of Kukatpally Police Station. The offences alleged against the petitioners are under Sections 448, 352, 506 and 509 read with 34 IPC.

2. Heard the learned counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent, in spite of notice.

3. The complaint is filed stating that on 17.04.2013, the petitioners came to the house in which the complainant is residing as a tenant and snatched away the complainant's cell phone and abused him in filthy language, apart from throwing the articles outside, and when the complainant questioned as to why they were throwing the articles outside, the petitioners expressed that he was not heeding to their request to vacate the premises in which he is residing.

4. Learned counsel for the petitioners submits that there was a rental agreement between the parties and when the petitioners were asking the complainant to renew the rental agreement, the present false complaint is filed against the petitioners. He also draws the attention of this Court to the letter of mutual understanding, dated 27.12.2012, by virtue of which the *de facto* complainant agreed to vacate the premises on 01.04.2013.

5. From the above, two assumptions are possible, one is that by violating the terms of mutual understanding, the complainant failed to vacate the premises, and the other assumption is that since the complainant failed to vacate the premises, the petitioners have resorted to

the means which were stated in the complaint. Therefore, unless a detailed trial is conducted, the truth of the matter would not come out. Hence, this Court considers that it is not a fit case to quash the proceedings against the petitioners at this stage.

6. Accordingly, the Criminal Petition is dismissed. However, considering the request of the petitioners, the respondent police are directed to effect the arrest of the petitioners in accordance with the procedure established under Section 41-A Cr.P.C.

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

December 26, 2018
v v



T. RAJANI, J