

**SMT JUSTICE T.RAJANI**

**CRIMINAL PETITION No.1718 OF 2013**

**ORDER:**

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner seeking to quash the proceedings in C.C. No.81 of 2012, pending on the file of the Court of IV Special Magistrate, Hyderabad (for short, 'the trial Court'), registered for the offence punishable under Section 506 of I.P.C.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, appearing for the 1<sup>st</sup> respondent – State.

3. The allegations made in the complaint by the 2<sup>nd</sup> respondent – de-facto complainant are that he is the owner and possessor of undivided share of the land bearing Nos.4-1-1045/1/A with a residential house in the entire ground floor, at Boggulkunta, Hyderabad, and the petitioner is the adjoining owner and they have some civil disputes between them. On 12.01.2010, the petitioner, along with another unknown person, came there and abused the complainant in filthy language and threatened him and his old aged mother with dire consequences when they were trying to block the access to the terrace and portion of the ground floor to stop the work in spite of the decree given by the City Civil Court, Hyderabad.

4. Learned counsel for the petitioner submits that the specific words of abuses were not mentioned, and the statements of other witnesses would show that there was a dispute with regard the matter.

5. A perusal of the statements of Yellaiah and Manemma, L.Ws.2 and 3, would show that there are civil disputes between the parties.

6. Hence, in view of the fact that civil disputes are pending between the parties, it is all the more probable that the complaint would have been filed only to work out his remedies effectively.

7. Hence, in view of the above, this Court opines that continuation of further proceedings against the Petitioner/Accused would result in sheer abuse of process of law.

8. Accordingly, the Criminal Petition is allowed and all further proceedings against the Petitioner/Accused in C.C. No.81 of 2012, pending on the file of the Court of IV Special Magistrate, Hyderabad, are hereby quashed.

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

Date: 13.12.2018.  
Dsh

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**T. RAJANI, J**



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Date. 13.12.2018

**DSH**