

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.7227 of 2018

ORDER:

This Criminal Petition is filed by petitioners/A1, A3 & A4 under Section 482 Cr.P.C, to quash the proceedings against them in Crime No.158 of 2018, of M.R.Palli Police Station, Tirupati, registered for the offences under Sections 447, 506 read with 34 IPC.

The brief averments in the complaint lodged by the 2nd respondent are that the complainant succeeded Ac.2.00 of land in Survey No.13, Avilala, Tirupati Rural Mandal, Chittoor District from her deceased husband and on 25.05.2018 when she went to the site, she found that petitioners/A3 and A4 were unloading cement and bricks with tractors and when she enquired about the same, they told that they were unloading the material on the instructions of the petitioner/A1. The complainant and her people obstructed them and asked them to produce documents relating to their title, if any, over the said land, but they did not do so. On the other hand, they tried to attack all of them. Hence, the complaint.

Denying the complaint allegations, learned counsel for the petitioners would submit that the petitioners are owners of the land and in fact, they already filed Writ Petition No.15813 of 2018 against Swamy Hathirami Mutt, Avilala Grampanchayat and the Station House Officer, M.R.Palli Police Station, when they tried to interfere with the said property and an interim order was passed by this Court on 27.04.2018 directing them not to interfere with the peaceful possession and enjoyment of the petitioners without following due

process of law. Learned counsel for the petitioners also would submit that in view of the said order, the present complaint is not maintainable.

Be that as it may, the investigation shall lead to its logical conclusion to exhume the truth of the respective contentions of the complainant as well as the present petitioners.

However, having regard to the civil nature of the dispute, the Investigating Officer shall not arrest the petitioners/A1, A3 and A4 during the course of investigation and shall strictly follow the procedure contemplated under Section 41-A Cr.P.C., during the course of investigation. In turn, petitioners/A1, A3 & A4 are directed to cooperate with the investigating agency for smooth completion of investigation.

Accordingly, the Criminal Petition is disposed of.

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

U.DURGA PRASAD RAO, J

Date: 12.07.2018

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Note: Furnish copy by tomorrow