

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.1878 of 2018

ORDER:

In this petition filed under Section 482 Cr.P.C, petitioners/A1 to A4 seek to quash the proceedings against them in Crime No. 4 of 2011 of Raidurgam Police Station, Cyberabad, Ranga Reddy District, for the offences under Sections 406, 420, 448, 447 and 506 IPC.

2. The brief facts of the complaint are that the complainant is the owner of the open land in plot No. 218 covered by Sy.Nos. 69 & 70, admeasuring 181 square yards situated at Telecom Nagar Extension, Gachibowli Village, Sherlingampally Mandal, R.R. District and he appointed A1 as a watchman to look after his property. A2 to A5 are the relations of A1. For one year A1 well maintained the property and the complainant also in good faith trusted A1, however, thereafter, A1 with the connivance of A2 to A5 hatched a plan to grab the property and thereby he constructed huts in the said property and started living illegally and unauthorizedly. Knowing the same, the complainant with the support of elders and well-wishers got vacated A1 to A5 from the said premises. However, on 6.12.2010 when the complainant visited the said property, he found A1 to A5 again put up the unauthorized constructions on his property and hence, the complaint.

3. The submission of learned counsel for petitioners is that the criminal proceedings are not maintainable, as the FIR allegations would manifest that it is a title dispute between both the parties, which has to be resolved by a Civil Court.

4. The argument of the leaned counsel for the petitioners cannot be accepted when the same facts give raise to Civil as well as Criminal proceedings, the aggrieved party is at liberty to initiate both or either of them at his convenience. Whether the accused continued in the property with any semblance of right and they have trespassed into the property and thereby committed criminal offences is a matter for investigation. Therefore, the investigation must lead to its logical conclusion. However, having regard to the nature of the accusation and the offending charges being punishable with a turn less than seven years, the investigating officer during the course of investigation 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 A4 also 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.

U. DURGA PRASAD RAO, J

Date: 26.06.2018

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¹ (2014) 8 SCC 273