

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.15068 of 2013

ORDER:

This Criminal Petition under Section 482 of Cr.P.C., is filed seeking to quash the proceedings in C.C.No.271 of 2013 on the file of the Judicial Magistrate of First Class, Mahabubnagar, registered for the offences punishable under Sections 448, 427, 509 and 506 IPC, against the petitioner/accused.

2. Heard learned counsel for the petitioner/accused and learned Public Prosecutor for the first respondent-State. None appeared for the second respondent/de-facto complainant.

3. A perusal of the complaint would show that the petitioner entered into the basement constructed by the de-facto complainant in his house and damaged the basement by abusing him and his wife.

4. Learned counsel for the petitioner submits that taking cognizance against the petitioner is without application of mind. He further submits that the dispute is civil in nature as there was a *status-quo* order passed in I.A.No.1196 of 2012 in O.S.No.300 of 2012 by the Principal Senior Civil Judge, Mahabubnagar, with regard to the subject property. He also submits that as per the orders of this Court in WPMP No.561 of 2013 in W.P.No.453 of 2013 filed by the wife of petitioner, there was an interim direction, restraining the respondents therein from proceeding with further construction in the said property.

5. But, the orders of *status-quo* and the interim direction cannot belie the allegations made in the complaint and the charge sheet, as it is possible that the petitioner might have violated the said orders by entering into the basement constructed by the de-facto complainant and abused him and his wife. Hence, unless a detailed enquiry is taken up in the form of trial, truth of the matter cannot be decided.

6. Hence, the Criminal Petition is dismissed. However, the petitioner/accused is at liberty to move a petition for discharge before the trial Court, and on filing such petition, the trial Court is directed to dispose of the same uninfluenced by the observations made in this order. Miscellaneous applications, if any, pending in this criminal petition shall stand dismissed.

15th November, 2018

sj

The seal of the High Court of Madhya Pradesh, Jabalpur Bench, is a circular emblem. It features a central green emblem with a red lotus flower at the bottom. The text "HIGH COURT OF MADHYA PRADESH" is written in a circle around the central emblem. Below the central emblem, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script. The words "JABALPUR" and "FOR THE STATES OF MADHYA PRADESH AND THE STATE OF CHHATTISGARH" are also visible within the circular border of the seal.
T. RAJANI, J