

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10815 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioners-accused seeking to quash the proceedings in crime No.216 of 2016 of Kanagal police station, Nalgonda district registered for the offences punishable under Sections 354B, 447, 427, 504, 506 read with 34 IPC.

2. Heard the learned counsel for the petitioners-accused, the learned Assistant Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioners would submit that a land dispute is pending between the parties to the litigation; that the petitioners obtained interim injunction order dated 15.11.2016 in I.A. No.761 of 2016 in O.S. No.423 of 2016 on the file of the Junior Civil Judge, Nalgonda, whereunder the respondent No.1-defacto complainant, her husband and another were restrained from causing any interference in the land belonging to mother of petitioners Bhujata, and that a false case is foisted against the petitioners, and ultimately, prays to allow the Criminal Petition.

4. On the other hand, the learned Assistant Public Prosecutor opposed the grant of relief sought in the Criminal Petition.

5. In view of the contentions put forth by both sides, the point for determination is whether the proceedings in

crime No.216 of 2016 of Kanagal police station, Nalgonda district are liable to be quashed ?

6. As per the case of the respondent No.1-defacto complainant, she obtained *ex parte* interim injunction order in O.S. No.381 of 2016 on the file of the Junior Civil Judge, Nalgonda. In the course of submissions, it is brought to the notice of this Court that the alleged incident had taken place on 26.07.2016. As per respondent No.1-defacto complainant, as police concerned did not take any action, she was forced to file a private complaint before the Magistrate concerned and on the reference of the complaint under Section 156 (3) Cr.P.C., this crime was registered and is under investigation. As per the allegations, petitioner-A.2 is a Police Constable, and he removed his belt, beat the defacto complainant with the belt, kicked her and warned her. There are also other allegations against both the petitioners-accused. Therefore, it is not appropriate to quash the proceedings as prayed for. However, having regard to the allegations and in view of the civil litigation pending between the parties, it is appropriate to direct the Station House Officer concerned not to arrest the petitioners-accused, complete investigation and file charge sheet or final report, as the case may be.

7. With the above direction, the Criminal Petition is disposed of. Miscellaneous Petitions pending, if any, in the Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

06.02.2018
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