

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.8403 of 2019

ORDER:

This criminal petition is filed by the petitioner/A1 under Section 482 of Cr.P.C., seeking to quash the proceedings in Cr.No.457 of 2019 on the file of Alwal Police Station, Cyberabad District, registered for the offences under Sections 418, 447, 506, 120-B read with Section 34 IPC, against him.

2. Heard the learned counsel for the petitioner/A1; learned Additional Public Prosecutor for the 2nd respondent-State and perused the record.

3. It is alleged in the complaint that due to land disputes and in spite of pendency of civil suits, all the accused tried to trespass into the property of the complainant on 31.08.2019 without any documents and that on 15.09.2019 also, the accused again tried to trespass into the said property and also made an attempt to put markings on the property as plots highhandedly and also threatened him with dire consequences with an intention to grab the said property.

4. Learned counsel for the petitioner/A1 submits that the allegations made in the complaint do not attract the ingredients of the alleged offences and the dispute is purely civil in nature and that civil disputes are pending between the parties. He further submits that the entire allegations in the complaint are all false and baseless and that suppressing all the material facts, the present complaint is

filed in order to settle the civil disputes. He further submits that there are no specific overt acts attributed against the petitioner, except vague allegations. Thus, he prays to quash the FIR registered against the petitioner/A1.

5. Learned Additional Public Prosecutor opposed the prayer for quashing of the F.I.R., and submits that the contents of FIR would disclose the cognizable offence against the petitioner and there are serious allegations against him and that as the investigation is still pending, FIR cannot be quashed.

6. After considering the various decisions including the decision of **State of Haryana v. Bhajan Lal**¹'s Case, I am of the view that there can be no interference with the investigation or order staying arrest of the petitioner unless cognizable offence is not ex-facie discernable from the allegations contained in the FIR or there is any statutory restriction operating on the power of the police to investigate a case. From a perusal of the F.I.R., *prima facie*, it cannot be said that no cognizable offence is made out. Hence, no ground exists for quashing of the F.I.R or staying the arrest of the petitioner.

7. Accordingly, the Criminal Petition is dismissed.

8. Miscellaneous petitions, if any pending in this criminal petition, shall stand dismissed.

JUSTICE G.SRI DEVI

23rd December, 2019.
sj

¹ 1992 SCC (Crl.)426