

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.11644 of 2018

ORDER :

The petitioners/A1 to A3 in C.C.No.271 of 2017 on the file of XXV Metropolitan Magistrate, Kukatpally, R.R. District, Hyderabad taken cognizance for the offences punishable under Sections 447 and 427 IPC from the police investigation, final report, which is outcome of Crime No.572 of 2016, dated 06.10.2016 from the report of the *de facto* complainant/2nd respondent even date of alleged trespass and mischief.

Even from the police investigation, A2 and A3 are henchmen of A1 and A1 shown in ascendance and A2 to A3 under Section 41(1)(A) Cr.P.C. notice given. It is mentioned from the police investigation that one year back to the filing of the final report A1 and his henchmen A2 and A3 tried to grab the property and suit for injunction in O.S.No.266 of 2015 filed and obtained interim injunction in I.A.No.443 of 2015.

One such is the case, there is a temporary injunction also in favour of the *de facto* complainant as plaintiff and if at all there is any violation of injunction remedy is else where leave it as it is even from the very report long after obtaining of the temporary injunction in the year 2015, the alleged trespass in the year 2016 prior to the report and about more than one year prior to the filing of the charge sheet allegedly taken place there is no meaning in waiting more than seven months from the alleged trespass to the giving of report suffice to say the lis is predominantly civil in nature. Apart from the fact that the record shows regularization of the property in favour of A1 and if at all there is any civil dispute

regarding title, the civil suit already pending civil suit it can be adjudicated.

With these observations, the criminal petition is allowed quashing the proceedings in C.C.No.271 of 2017 pending on the file of XXV Metropolitan Magistrate, Kukatpally, R.R. District, Hyderabad. The bail bonds, if any, shall stand cancelled.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

28.01.2019
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