

**THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO**

**CRIMINAL PETITION No.11740 OF 2018**

**ORDER:**

Even several notices, the last one sent returned as refused is a sufficient service to the address Plot Nos.708/A, 708/B & 709/B, Gopal Nagar Co-operative Society, Kukatpally Mandal, Hyderabad, and despite it, the 2<sup>nd</sup> respondent failed to attend, thereby taken as heard and heard learned counsel for the petitioners and learned Public Prosecutor representing the 1<sup>st</sup> respondent State in the present quash petition filed by the petitioners/accused of Crime No.912 of 2018 of Miyapur Police Station, Cyberabad, dated 10.10.2018, registered for the offences punishable under Sections 447, 427, 420, 468 & 471 of Indian Penal Code (for short, 'IPC').

2. From the report of the 2<sup>nd</sup> respondent/*de facto* complainant, which reads, in nutshell, that he is Syed Imran Ali, S/o.Syed Nazer Ali of Kishanbagh, Hyderabad, and General Power of Attorney holder of Plot Nos.708/A, 708/B & 709/B of Gopal Nagar Co-operative Society, Kukatpally Mandal, within Miyapur Police Station limits. It is further stated that on 06.10.2018 night, the above accused persons 1 to 4, by name Shaik Abdul Aziz, Shaik Abdul Razzaq, Mohammed Khaja & Ashwaq Khan (petitioners) etc., constructed iron sheet sheds in the plots supra suddenly hurriedly to his surprise, which is visible to the CC TV coverage situated nearby and on his personal enquiry, he came to know that Shaik Abdul Aziz (A-1) and his sons Shaik Abdul Razzaq (A-2) and other men Mohammed Khaja (A-3) & Ashwaq Khan (A-4), one Ateeq Pehelwan and others created panic in the area among the nearby plot owners. Shaik Abdul Aziz (A-1) already approached civil Court

and he perused the documents of the civil Court and when enquired, he came to know to his surprise of those are fake and duplicate signatures of Government officials and the accused formed as a gang and are creating fabricated and false documents on this land and are trying to encroach and few of the members are moving voluntarily and consuming narcotic substances openly viz., Ganja and threatening with dire consequences. Hence, to take action.

3. In registration of the crime for the offences punishable under Sections 447, 427, 420, 468 & 471 IPC, from the very FIR, there is nothing to show what is the false or fabricated document or which official's signature in which document is not genuine, without which the question of applying Sections 420, 468 & 471 IPC does not arise against any of the accused persons and so far as the construction of any shed concerned, it is not even his case that they cause damaged any existing property, much less worth above Rs.50/- by such construction to attract any offence of mischief, but for if at all from his say of any offence of trespass, he claims that he is only a GPA holder of the plot and not even stated who is the owner and what is the date of the GPA even to consider any allegation of trespass and it is not even his case that he enclosed any video footage and there is no material with reference to it of what investigation that establishes any of the crimes by police so far.

4. Having regard to the above, the dispute, if at all exists is purely and predominantly civil in nature and cannot be allowed to continue by adding a criminal flavour, thereby the Criminal Petition is allowed and the proceedings against the petitioners/accused in

Crime No.912 of 2018 of Miyapur Police Station, Cyberabad, are hereby quashed.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

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**DR.B.SIVA SANKARA RAO, J**

Date: 22<sup>nd</sup> February, 2019

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