

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.13629 of 2018

ORDER:

1) The petitioner is the sole accused in C.C.No.151 of 2017 on the file of the XXIII Metropolitan Magistrate, Cyberabad at Rajendranagar, which is out come of report of the second respondent, who is the so called owner of 66 square yards which is covered by civil dispute in O.S.No.1773 of 2015 on the file of the VII Additional Senior Civil Judge, Ranga Reddy at L.B.Nagar, leave about the fact that there two injunction applications filed by him against the accused among others, if any, not to interfere, not to alienate, ended in dismissal covered by orders in I.A.No.1226 of 2015 and 1227 of 2015 on 31.08.2016, leave about the further factum of there is earlier the petitioner along with another filed quash petition No.1299 of 2018 to quash the proceedings in C.C.No.890 of 2017 on the file of the VI Additional Chief Metropolitan Magistrate at Nampally which is outcome of Crime No.199 of 2017 of Langer House Police Station, Hyderabad, for the alleged offences of trespassing, wrongful restraint, mischief and simple hurt, that ended in quashment by order of this Court, dated 10.12.2018.

2) The only allegation in the report is that the accused abused the manager of the *de facto* complainant by name Riazuddin (LW.2) by threatening the *de facto* complainant (LW1) before LW.2 to withdraw the civil cases pending, else he was going to kill the *de facto* complainant and he is apprehending danger to his life

and property, there from seek apprehension of breach of peace and tranquility from which the crime registered and police after examination of three witnesses LWs.1 and 2 supra and one Minhajullah filed the charge sheet that Minhajullah (LW.3) stated that on 03.02.2017 at about 10.00 a.m., when he and LW.2-Riazuddin were at a restaurant the accused Hakeem abused Riazuddin in asking to withdraw the Court cases by LW.1 else to do away and it is also the statement of LWs.1 and 2 in support of the First Information Report, even taken on face value there is no criminal intimidation directly on LW.1 by accused much less fear caused with alarm in his mind which are the pre-requisites to attract the offence under Section 506 IPC and even there is no any breach of peace to attract the offence under Section 504 IPC but for at best it is prone for security proceedings contemplated by Chapter 8 of Cr.P.C.

3) Having regard to the above, the Criminal Petition is allowed quashing the said C.C. proceedings pending against the accused with the above observation.

Miscellaneous petitions pending, if any, shall stand closed.

23rd January, 2019
vhb/gkv

Dr. B. SIVA SANKARA RAO, J