

HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.586 of 2020

ORDER:

1. This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash Crime No.632 of 2019 on the file of Madhapur (Guttala) Police Station, Cyberabad District, registered against the petitioners/accused for the offences punishable under Sections-341, 427, 384 and 506 IPC.

2. Heard learned counsel for the petitioners, learned Additional Public Prosecutor appearing for respondent No.2-State and perused the record.

3. The case of the prosecution in brief is that the de facto complainant purchased the flat bearing No.101, in Plot No.339, Gayatri Enclave and staying in the said flat; that one Bobba Sampath and his wife by name Gayatri Bobba are the owners of land and 4 flats in the same apartment, dominating and disturbing all other flat members; that though the de facto complainant and others were paying maintenance, the accused disconnected water supply and also locked the water tank; that they constructed illegally one flat in 5th floor, locked terrace completely not to allow other owners and common parking area is also barricaded with ropes; and that they change the watchman for 15 days because of their foul language; that CC cameras were installed by themselves without others approval. Hence, the complaint.

4. Learned counsel for the petitioners submitted that the entire complaint is dispute amongst the residents of an apartment over common amenities and no criminal offence whatsoever is made out admitting the contents of the complaint; that there is no allegation of any wrongful confinement or restraint of a person to attract the offence under Section 342 IPC; and that even there is no allegation of causing any destruction of property to attract the offence under Section 427 IPC and hence, he prays to quash the aforesaid complaint against the petitioners/accused.

5. Learned Additional Public Prosecutor opposed for quashing the aforesaid F.I.R. and submits that the contents of the F.I.R. clearly disclose cognizable offence against the petitioners.

6. Considering the various decisions including the decision of the Hon'ble Apex Court in *State of Haryana Vs. Bhajan Lal*¹, I am of the considered view that there can be no interference with the investigation or order staying arrest of the petitioners unless cognizable offence is not *ex-facie* discernable from the allegations contained in the F.I.R. 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.

7. In view of the aforesaid facts and circumstances of the case, no indulgence can be shown to the petitioners who have come up

¹ 1992 SCC (CrI) 426

with this Criminal Petition. Hence, no ground exists for quashing of the F.I.R. The investigation in the aforesaid crime may go on. During the pendency of the investigation, no coercive steps shall be taken against the petitioners, but before framing of the charges, if any incriminating material is found against the petitioners, coercive steps may be taken against them.

8. Accordingly, the Criminal Petition is disposed of.

9. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

28th January, 2020
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JUSTICE G. SRI DEVI

