

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION Nos.1378 and 1426 of 2021

COMMON ORDER:

These criminal petitions are filed seeking to quash the proceedings in Crime No.7 of 2021 pending on the file of Geesugonda Police Station, registered against the petitioners herein for the offences punishable under Sections 447, 427 r/w.34 of IPC. Petitioners in Crl.P.No.1378 of 2021 are A-1 and A-3, whereas, the petitioner in Crl.P.No.1426 of 2021 is A-2 in the said crime.

Heard learned counsel for petitioners and the learned Public Prosecutor and perused the record.

Sri P.Prabhakar Reddy, learned counsel for petitioners would submit that the 1st petitioner in Crl.P.No.1378 of 2021 i.e. A-1 and the sole petitioner in Crl.P.No.1426 of 2021 i.e. A-2 have purchased the subject land under two registered sale deeds from the 1st respondent/de facto complainant and another. The copies of said sale deeds are filed. When the 1st respondent and others interfered with the possession of A-1 and A-2, they filed a suit vide O.S.No.1360 of 2020 on the file of IV Additional Junior Civil Judge, Warangal and obtained interim injunction orders in I.A.No.152 of 2020 in the said suit. Learned counsel for petitioners would further submit that both A-1 and A-2 have lodged complaint with the Police, complaining about the illegal interference of 1st respondent/de facto complainant with their possession over the subject land, but the Police have refused to receive the said complaint. Therefore, A-1 and A-2 have filed a complaint

under Section 200 Cr.P.C. before the Court concerned and the same was referred to the Police, who in turn, have registered a case in Crime No.31 of 2021.

The above said facts would reveal that there are disputes between A-1 and A-2 and the 1st respondent/de facto complainant with regard to the subject land.

Considering the said facts and also the fact that the offences alleged against the petitioners herein are bailable offences, these criminal petitions are disposed of directing the Police, P.S.Geesugonda, to follow the procedure laid down under Section 41-A of Cr.P.C., and also the guidelines issued by the Apex Court in **Arnesh Kumar v. State of Bihar and another**¹. The Police are directed not to arrest the petitioners in both the criminal petitions, till the completion of investigation and filing of charge sheet. The petitioners shall co-operate with the investigating officer in concluding the investigation.

Pending miscellaneous applications, if any, shall stand closed.

K. LAKSHMAN, J

Date : 03.03.2021

ajr

¹ (2014) 8 SCC 273