

HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.216 OF 2022

ORDER:

Heard Mr. Mullangi Ram Reddy, learned counsel for the petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent No.1 and the present petition is disposed of at the admission stage itself.

2. The present criminal petition is filed by the petitioner - accused No.1 to quash the proceedings in Crime No.740 of 2021 of Jagathgirigutta Police Station, Cyberabad Commissionerate. The offences alleged against the petitioner are under Sections - 353, 447 and 427 of IPC and Section - 3 of the Public Property (Prevention of Damage) Act, 1985 (for short 'Act, 1985').

3. Perusal of record would reveal that on the complaint given by Village Revenue Officer, Gajularamaram Village, Qutubullapur Mandal, Ranga Reddy District, Jagathgirigutta Police Station have registered a case in Crime No.625 of 2019 against the petitioner herein for the offences under Sections - 447, 427, 420 and 353 of IPC and Section - 3 of the Act,1985. The petitioner herein has filed a petition under Section - 482 of Cr.P.C. vide Crl.P. No.6441 of 2019 seeking to quash the proceedings in the said Crime No.625 of 2019. This Court vide order dated 16.10.2019 disposed of the said criminal petition directing the police concerned to follow the procedure laid down under Section - 41A of Cr.P.C. and the guidelines issued by the Hon'ble Supreme Court in

Arnesh Kumar v. State of Bihar¹ and that no coercive steps shall be taken against the petitioner till filing of the final report. Now, on the complaint lodged by the Tahsildar, Qutubullapur Mandal, the very same police have registered the present crime No.740 of 2021 against the petitioner herein for the very same offences. The allegations in both the complaints are almost one and the same. The wife of the petitioner had filed a writ petition vide W.P. No.21775 of 2019 challenging the illegal action of the Revenue Authorities in dispossessing and demolishing the subject property without following due process of law. This Court has directed the respondents therein not to dispossess the petitioner or demolish her property without following due procedure laid down under law. The said facts would reveal that on the very same allegations, the police have registered two crimes against the petitioner herein on the complaints lodged by the Village Revenue Officer and the Tahsildar.

4. Therefore, considering the above said facts, the present Criminal Petition is disposed of directing the Investigating Officer in Crime No.740 of 2021 of Jagathgirigutta Police Station, Cyberabad Commissionerate, to strictly follow the procedure laid down under Section - 41A of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar**¹. However, the petitioner shall co-operate with the Investigating Officer by furnishing information and documents, as sought by him in concluding the investigation. Till completion of investigation and filing of final report, the Investigating Officer is further directed not to arrest the petitioner - accused No.1. The

¹. AIR 2014 SC 2756

Investigating Officer shall consider the contentions of the petitioner that the allegations in both the complaints are one and the same; that registration of second crime is impermissible and that the *interim* order passed by this Court in W.P. No.21775 of 2019 etc.

As a sequel, the miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

6th January, 2022
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K. LAKSHMAN, J