

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION Nos.373 & 390 OF 2022

COMMON ORDER:

These Criminal Petitions are filed under Section 482 Cr.P.C., to quash the proceedings in Crime Nos.1512 of 2021 and 43 of 2022, pending on the file of P.S., Madhapur, Cyberabad, R.R.District. The petitioners herein are accused in the said CCs. The offences alleged against them are under Sections 447, 427, 341 and 506 read with 34 of IPC.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor. Perused the record.

3. A perusal of both the complaints would reveal that there are boundary disputes between the petitioners and the defacto complainant in the above two crimes with regard to property situated in Sy.No.55, admeasuring Ac.1.31 gts at Khanamet, Madhapur. The petitioners are Managing Committee members of Sri Hemalamba Renuka Yellamma Devalayam Committee bearing registration No.773 of 2021. The petitioners in CrI.P.No.373 of 2022 and 1st and 2nd petitioners in CrI.P.No.390 of 2022 are claiming to be the owners of part of the above said property. The said facts are disputes facts to be investigated into by the Investigating Officer during the course of investigation. All the offences alleged against the petitioners herein are bailable offences and the punishment prescribed for the offences alleged against them is below seven years.

5. In view of the above discussion, these Criminal Petitions are disposed of directing the Investigating Officers in Crime Nos.1512 of 2021 and 43 of 2022, pending on the file of P.S., Madhapur, Cyberabad, R.R.District, to strictly follow the procedure laid down under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***¹. Till completion of investigation and filing of final report, the Investigating Officers in both the crimes are directed not to arrest the petitioners herein. However, the petitioners shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous Petitions, pending if any, shall stand closed.

K. LAKSHMAN, J

Date: 18.01.2022
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¹ (2014) 8 SCC 273