

HON'BLE SRI JUSTICE K. LAKSHMAN
CRIMINAL PETITION No.3401 OF 2022

ORDER:

Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent No.1, and perused the record.

2. The present criminal petition is filed by the petitioner to quash the proceedings in Crime No.297 of 2021 of Suryapet II-Town Police Station, Suryapet District.

3. The offences alleged against the petitioner herein are under Sections - 341, 447 and 427 of IPC. The allegation levelled against the petitioner herein is that his personnel have illegally trespassed into the R&B Land and on the compound wall they have written as "THIS LAND BELONGS TO CSK".

4. Whereas, learned counsel for the petitioner would submit that the petitioner herein is claiming right over the said land under a registered sale deed bearing document No.5323 of 2021, dated 18.03.2021. He has also filed copy of the link document. Therefore, there are several factual aspects to be investigated into by the

Investigating Officer during the course of investigation including the allegations made by respondent No.2 in the complaint dated 17.11.2021.

5. Learned Assistant Public Prosecutor, on instructions, would submit that the Investigating Officer has recorded the statements of three (03) witnesses.

6. In the above crime, all the offences are bailable, and punishment prescribed for the offence alleged against the petitioners is below seven (07) years. In view of the same, this Court is not inclined to quash the proceedings.

7. Therefore, the present Criminal Petition is disposed of directing the Investigating Officer in Crime No.297 of 2021 of Suryapet II-Town Police Station, Suryapet District, to follow the procedure laid under Section - 41A of Cr.P.C. and the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. Further, the petitioner herein shall co-operate with the Investigating Officer by furnishing necessary information and documents as sought by him in concluding investigation.

¹. (2014) 8 SCC 273.

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

13th April, 2022
Mgr

K. LAKSHMAN, J