

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

SATURDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 10201 OF 2016

Between:

1. K.Sathyanarayana, S/o Nagabhushnam, Age: 59 years, Occ: Business, R/o Flat no.401, Maheshwari complex, Masab Tank, Hyderabad N/o Sivaramadurgapuram (v), Challapally (M), Krishna District, A.P.State.
2. Smt.T.Ammaji, W/o Sathyanarayana, Age:55 years, Occ:Houswife, R/o Flat no.401, Maheshwari complex, Masab Tank, Hyderabad N/o Sivaramadurgapuram (v), Challapally (M), Krishna District, A.P.State.

...PETITIONER/ACCUSED No.1&2

AND

1. The State of Andhra Pradesh., Rep. by its Public Prosecutor, High Court, Hyderabad.
2. S. Jagadeeshwar Rao, S/O Late Sathaiah, aged:47 years, Occ: Business R/o 1-6-41, Musheerabad, Hyderabad.

...RESPONDENTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in CC No.555 of 2016 on the file of XXV Metropolitan Magistrate court, Miyapur, Cyberabad for the offence U/s 420,447,427 of IPC.

CRLPMP. NO: 11034 OF 2016

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay of all further proceedings in CC No.555 of 2016 on the file of XXV Metropolitan Magistrate court, Miyapur, Cyberabad for the offence U/s 420,447,427 of IPC, pending disposal of the Criminal Petition.

I.A. NO: 2 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to extend the interim stay granted by this Hon'ble Court on 22.09.2022 passed in IA.No.1 of 2022 in Cr.P.No.10201 of 2016.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri T BASAVIAH ,Advocate for the Petitioner and of the Additional Public Prosecutor on behalf of the Respondent No.1 and of NONE APPEARED, Advocate for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.10201 OF 2016****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners-Accused Nos.1 and 2 seeking to quash the proceedings against them in C.C.No.555 of 2016 on the file of XXV Metropolitan Magistrate, Miyapur, Cyberabad which arose out of Crime No.391 of 2015 of Madhapur Police Station for the offences under Sections 420, 447 and 427 of Indian Penal Code.

2. The respondent No.2 – *de facto* complainant filed a complaint against these petitioners. The Madhapur Police registered the aforesaid crime against the petitioners and after completion of investigation, the police filed charge sheet for the offences of cheating and criminal trespass.

3. The allegation against these petitioners is that they have illegally trespassed into the adjoining plot which belongs to the *de facto* complainant and constructed rooms.

4. Heard learned counsel for the petitioners-Accused Nos.1 and 2 and learned Additional Public Prosecutor for the respondent-State. Perused the record.

5. Learned counsel for the petitioners submits that the dispute is purely civil in nature and the police have no jurisdiction to entertain the present complaint and consequently filed a charge sheet. He also submits that none of the ingredients of Sections 420, 447 and 427 of IPC are made out, for which reason this Court can interfere at the threshold and quash the proceedings against the petitioners under Section 482 of Cr.P.C.

6. As seen from the statement and charge sheet, there are several factual aspects which are agitated by the petitioners herein. The factual aspects cannot be gone into, to determine whether the allegations made in the charge sheet or the defence put forth by the petitioners are correct.

7. In view of the aforesaid reasons, the criminal petition is devoid of merits.

8. Accordingly, the Criminal Petition is dismissed. However, the petitioners are at liberty to agitate all the issues and grounds that are raised before this Court by filing an application under Section 239 Cr.P.C., before the concerned Court.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

Sd/-K.ONESIM
DEPUTY REGISTRAR
28/1/23
SECTION OFFICER

To,

1. The XXV Metropolitan Magistrate, Miyapur, Kukatpally.
2. The Station House Officer, Madhapur [Guttala] Police Station, Madhapur, Cyberabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri T Basavaiah, Advocate [OPUC]
5. Two CD Copies

FLP

PMG.

HIGH COURT

DATED:29/10/2022

ORDER

CRLP.No.10201 of 2016



DISMISSING THE CRIMINAL PETITION

⑧ pme.
12/1/23.