

THE HON'BLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION NO. 9193 OF 2022

ORDER:

This petition is filed under Section 482 of Code of Criminal Procedure (for short 'the Cr.P.C') by the 7th Accused in Crime No. 686 of 2022 dt: 21-09-2022 registered under Sections 447, 427, of Indian Penal Code (for short 'IPC') and Section 3 of Prevention of Damage to Public Property Act (for short 'the PDPP Act') on the file of Jagathigirigutta Police Station, Medchal-Malkajgiri District.

2. The prosecution case is that on 21.09.2022 the 2nd respondent/Tahsildar of Quthbullapur Mandal, inspected the premises in Survey No. 307/1, Gajularamaram Village, Quthbullapur and his enquiry regarding dumping of mud and debris in that premises had revealed that the petitioner and other accused are causing mischief and they are making an effort to occupy that Government land.

3. Learned counsel for the petitioner would submit that the petitioner is innocent and no way concerned with the offence. However, the police are harassing him without following the procedural prescriptions under law. Hence prayed for quashment of the proceedings.

4. Learned Assistant Public Prosecutor/1st respondent would submit that the allegations against the petitioner requires investigation, however

there would be no impediment to follow the procedure contemplated under Section 41(A) of Cr.P.C as the accusations are punishable for less than seven years.

5. Having regard to the submissions and as the concerned authority had levelled specific allegations against the petitioner no tenable ground is found to interfere with the investigation much less to quash the proceedings. However, considering the fact that the alleged offences are punishable for less than seven years and the apprehensions of the petitioner, this Court is of the opinion that directing the Investigating Agency to strictly adhere to the procedure contemplations under Section 41 and 41(A) of the Cr.P.C and other regulations of law, would meet the ends of justice. Accordingly ordered.

6. With the above directions, the Criminal Petition is disposed of.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

N. TUKARAMJI, J

Dt: 19.10.2022

Bw/ Plp

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Bw/Plp