

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

WEDNESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1797 OF 2023

Between:

Abdul Wajid Khan, S/o Abdul Hakeem Khan, aged about 51 yrs, Occ.
Business, R/o HNo. 11-2-951/1, Bazar Ghat, Nampally, Hyderabad.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, through its Public Prosecutor, high Court, Hyderabad.
2. Narender Reddy, S/o Late Prabhakar Reddy, Aged about 47 years, Occ: Business, R/o H.No: 6-2-12, rajendra nagar, SHivrampally, RR District.

...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 call for the entire records relating to FIR No. 39 of 2023 on the file of XI Additional Metropolitan Magistrate, Cyberabad, at Rajendra Nagar, and quash the same in the interest of justice.

I.A. NO: 2 OF 2023

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 stay all further proceedings in FIR No. 39 of 2023 on the file of XI Additional Metropolitan Magistrate, Cyberabad, at Rajendra Nagar.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MOHAMMAD ADNAN, Advocate for the Petitioners and of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.1797 OF 2023****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused to quash the proceedings against them in FIR No.39 of 2023 pending on the file of XI Additional Metropolitan Magistrate, Cyberabad, at Rajendra Nagar, filed for the offences punishable under Sections 447, 427, 504, 506 read with 34 of Indian Penal Code (for short "IPC").

2. Heard learned counsel for the petitioner – Accused and learned Additional Public Prosecutor for the respondent – State. Perused the material on record.

3. The respondent No.2 filed a complaint stating that this petitioner and others trespassed into his property along with 20 of his followers.

4. Learned counsel for the petitioner submits that civil disputes are pending before the Civil Courts and Civil Court has granted

order in favour of this petitioner. However, the police have wrongly registered the crime against this petitioner for the offence of criminal trespass.

5. Keeping in view the background of civil disputes pending between the parties, this Court deems it appropriate to direct the Investigating Officer in respect of FIR No.39 of 2023 pending on the file of XI Additional Metropolitan Magistrate, Cyberabad, at Rajendra Nagar, to conclude investigation without taking any coercive steps against the petitioner – Accused, by considering the background of the case and pending civil disputes between the parties. Further, the petitioner – Accused shall co-operate with the Investigating Officer as and when required for the purpose of investigation.

6. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

**SD/-N.SRIHARI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The XI Additional Metropolitan Magistrate Cyberabad at Rajendranagar
2. One CC to SRI. MOHAMMAD ADNAN Advocate [OPUC]
3. Two CD Copies

FDS
Bk

HIGH COURT

DATED:22/02/2023

ORDER

CRLP.No.1797 of 2023



CRL.P IS DISPOSED OFF

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RSP 16/3/23