

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 3627 OF 2021

O R D E R:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/A1 to quash the proceedings in C.C.No.717 of 2018 on the file of XIX Additional Chief Metropolitan Magistrate at Secunderabad. The offence alleged against the petitioner/A1 is under Sections 448 and 506 read with 34 of the Indian Penal Code.

2. Heard. Perused the record.

3. The 2nd respondent filed complaint alleging criminal trespass and intimidation against this petitioner and others. It is alleged in the complaint that at the instance of this petitioner, other accused have trespassed into her premises and occupied some rooms in the building and when they questioned she was threatened. The 2nd respondent filed a civil suit in respect of the very same property vide OS.No.564 of 2016 against Sudarshan Singh-Accused No.3 and the Civil Court restrained Accused No.3 and anyone on his behalf from

interfering into peaceful possession and enjoyment of the property of the 2nd respondent.

4. Learned Counsel appearing for the petitioner would submit that there is a GPA which was executed by the 2nd respondent way back on 31.12.2012 and in the said document it is clearly mentioned that possession has been handed over, in which circumstances when possession was already handed over, the question of criminal trespass by any of the accused does not arise.

5. Since the issues are pending before the Civil Court and there is a restraint order in favour of the 2nd respondent, this Court finds that there is prima facie evidence of criminal trespass, for which reason, the petition filed by the petitioner is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 07.02.2023
tk

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.3627 OF 2021

Dt. 07.02.2023

tk