

THE HONOURABLE SRI JUSTICE K. SURENDER**CRIMINAL PETITION No.10759 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 Cr.P.C., by the petitioners/accused Nos.1 and 2 seeking to quash the FIR No.487 of 2022 dated 10.11.2022 on the file of Bodhan Town Police Station, Nizamabad. The offences alleged against the petitioners herein are under Sections 447 and 427 of the Indian Penal Code.

2. Heard learned counsel for the petitioner/accused and learned Additional Public Prosecutor for the respondent - State. Perused the record.

3. The petitioners are questioning the registration of crime against them for the offence of mischief and trespass. Petitioner No.1 filed W.P.No.40876 of 2022, wherein it was stated that the District Collector had appointed core committee to take care and manage the land belonging to M/s.Nizam Sugars Limited. In the said writ petition, this Court has

directed not to dispossess the petitioner No.1 from his respective extents of land in Narsapur Village.

4. It is submitted by learned counsel for the respondent No.2 that petitioners are interfering into their stretch of land.

5. It is admitted that both the petitioners and also M/s Nizam Sugars Limited own certain extent of land. However, subject to survey the extent would be known as to who are in possession or who own the extent mentioned therein only after such survey and demarcation of the land.

6. Accordingly, the Criminal Petition is disposed of directing the police to conclude the investigation, after the survey is conducted by demarcating the land.

7. The learned counsel for the respondent No.2 submitted that in accordance with the directions of this Court, the petitioners have to make requisition for survey and demarcation. However, the said application is not made. Learned Senior Counsel appearing for the petitioner undertakes to file the application within one (01) week from the date of copy of receipt of this Order. In the event of the petitioners filing an

application within one (01) week of date of receipt of this Order, the same shall be considered and survey conducted accordingly.

As a consequence, miscellaneous Petitions, pending if any, shall stand closed.

K.SURENDER, J

Date: 06.02.2023
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Dt: 06.02.2023

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