

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
CRIMINAL PETITION No.3902 of 2013

ORDER:

The petitioners herein sought for quashing the proceedings No.C/972/2013-5, dated 11.02.2013 in Crime No.54 of 2013 on the file of the Tahsildar-cum-Executive Magistrate, Karimnagar.

The Inspector of Police, Karimnagar I Town Police Station appears to have reported that number of cases have been booked against both the Muslim and Hindu community and timely action taken by the police to control them to bring the situation to normalcy. However, complete peace and harmony without any tension in the locality has not yet been achieved. Occasions are still arising where peace and tranquility of the community is being threatened with regular periodicity. Therefore, the Tahsildar – cum – Executive Magistrate initiated the proceedings on 11.02.2013 and summoned the petitioners herein to appear before him on 13.02.2013 at 11.00 a.m. The petitioners submit that the Executive Magistrate as is required under Section 111 of Code of Criminal Procedure has to made an order, in writing, setting forth the substance of the information received by him, which necessitated the Executive Magistrate to require any such person to show-cause as to why a bond shall not be insisted to be executed by him, whereas such a procedure has not been followed by the Executive Magistrate in the instant case. This apart, the petitioner has already filed Civil Suit O.S.No.257 of 2002 on the file of Principal Junior Civil Judge, Karimnagar for grant of injunction from interfering with the land in Sy.No.766/C of an extent of Ac.1.05 gts., situated at Karimnagar. The learned Principal Junior Civil Judge by his judgment dated 05.03.2008 has decreed the suit and an appeal has been preferred

by the opposite party in A.S.No.85 of 2008, the learned V Additional Judge allowed the same by his judgment dated 17.09.2009. The 1st petitioner herein has preferred S.A.No.1157 of 2009 to this Court, which is still pending.

It is, therefore, clear that the disputes between the parties are civil in nature and that they are taking recourse by approaching the Civil Court and in fact this Court is now examining the entire controversy between the parties in the Second Appeal pending before it. In these set of circumstances,

I am of the opinion that as 2 ½ years time has elapsed, the proceedings before the Executive Magistrate deserves to be quashed. Therefore, the proceedings No.C/972/2013-5, dated 11.02.2013 in Crime No.54 of 2013 on the file of the Tahsildar-cum-Executive Magistrate, Karimnagar are quashed.

Accordingly, the petition is allowed. No costs.

The miscellaneous applications, if any shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

22.06.2015

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