

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.P.No.10154 of 2009

ORDER:

Petitioners-A1 to A5 seek to quash the proceedings initiated against them in C.C.No.121 of 2009 on the file of the Judicial Magistrate of First Class, Railway Kodur, Kadapa District, registered for the offences punishable under Sections 447, 427, 353, 341 read with Section 34 I.P.C.

The 2nd respondent-Tahsildar, on the instructions of Revenue Divisional Officer, Rajampet, filed a complaint on 13.05.2008 against the petitioners-accused before the Station House Officer, Railway Kodur. It is alleged that the accused trespassed into the Government land in an extent of Ac.38.39 of Settigunta village and removed the shrubs therein with the help of JCBs. It is further alleged that the 2nd respondent-Tahsildar has inspected the spot and seized the JCBs. On the strength of the said complaint, the Sub Inspector of Police, Railway Kodur Police Station, registered a case in Crime No.51 of 2008 against the accused and took up investigation. Eventually, after completion of investigation, the Sub Inspector of Police, Railway Kodur Police Station, filed charge sheet against the petitioners-accused for the aforesaid offences and the same was numbered as C.C.No.121 of 2009.

A perusal of the letter dated 14.05.2008 forwarded by the 2nd respondent-Tahsildar to the Station House Officer, Railway Kodur, reveals that the petitioners-accused have approached the Revenue Divisional Officer, Rajampet, and submitted that their intention was only to clear the land which was full of shrubs so

that they could get the DKT pattas and that the incident had taken place due to ignorance. Thereafter, the Revenue Divisional Officer directed the 2nd respondent-Tahsildar, to send a report to the Station House Officer, Railway Kodur, not to register the case against the petitioners-accused. Accordingly, the 2nd respondent-Tahsildar, sent a report to the Station House Officer, Railway Kodur, to drop all further proceedings against the petitioners-accused. However, the Station House Officer, Railway Kodur, ignored the said report and proceeded with the case.

For the aforementioned reasons, I am of the considered view that continuance of proceedings initiated against the petitioners-accused are nothing but an abuse of process of law and are liable to be quashed.

Accordingly, the Criminal Petition is allowed and the proceedings initiated against the petitioners-accused in C.C.No.121 of 2009 on the file of the Judicial Magistrate of First Class, Railway Kodur, Kadapa, are hereby quashed.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

10-09-2015

Gsn