

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.1149 of 2015

ORDER:

This Petition is filed by the petitioners/A.6 to A.8 under Section 482 Cr.P.C., seeking quashment of proceedings against them in C.C.No.153 of 2014 on the file of Judicial Magistrate of First Class, Banswada, Nizamabad District. On the report given by the *Defacto complainant* namely Smt Muktha Sulochana, Banswada Police registered the crime No.275 of 2013 and filed Charge sheet against A.1 to A.11 for the offences under Sections 188, 448, 506, 143 r/w 149 IPC.

The accusation is that the *defacto* complainant constructed RCC shops and residential building in the plot gifted by her husband. Accused No.1 is the son of the complainant and A.2 is the wife of A.1. A.1 and A.2 pressurized and demanded the complainant to transfer the house in the name of A.2 and when the *defacto* complainant refused, disputes arose between them. A panchayat was convened in the presence of caste elders and the petitioners/accused Nos. 6 to 8 are the caste elders. But, no settlement could be arrived by the elders. When Accused Nos. 1 and 2 further harassed the *defacto* complainant, she filed a Civil Suit in O.S.No.23 of 2009 on the file of Junior Civil Judge, Banswada and the said suit was decreed granting permanent injunction restraining A.1, his relatives and henchmen from interfering into the suit property. While so, it is alleged that on 06.7.2013 at about 1.00 PM A.1 to A.11 formed into unlawful assembly in front of the house of the complainant and broke open the lock and criminally trespassed into the house and later forced the complainant to give her house to A.2 by executing a document in favour of A.2. Hence, the charge.

Learned counsel for petitioners submits that the petitioners/A.6 to A.8 are only elders and not even relatives of the parties and they have no interest either in the property or towards any particular party and they

were unnecessarily implicated in the case and hence continuation of proceedings against them would amounts to abuse of process of law.

However, the learned Public Prosecutor submitted that there is a strong *prima facie* case against the petitioners and other accused. He thus sought for dismissal of the Petition.

A perusal of 161 Cr.P.C. statements of the witnesses coupled with Charge sheet shows participation of petitioners/A.6 to A.8 in forcibly broke open the house of the *defacto* complainant and making demand for execution of deed in favour of A.2. Apart from, truth or otherwise of the allegations, there is a *prima facie* case against the Petitioners/A.6 to A.8 also. Therefore, it is not a fit case to quash the proceedings. However, considering the request of the learned counsel for petitioners, the appearance of the petitioners/A.6 to A.8 in C.C.No.153 of 2014 on the file of Judicial Magistrate of First Class at Banswada, Nizamabad District, is dispensed with except on the occasions when the trial Court requires their presence.

With the above direction, the Criminal Petition is disposed of.

As a sequel, Miscellaneous Petitions pending in this Criminal Petition, if any, shall stand closed.

U.DURGA PRASAD RAO,J

27-02-2015

eha

CRIMINAL PETITION No. 1149 of 2015

Dt. 27.02.2015

eha