

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

CRL.P.No.9648 of 2009

ORDER:

This Criminal Petition is filed Under Section 482 Cr.P.C. by the Petitioner-accused to quash the proceedings initiated against him in Crime No.506 of 2009 on the file of Malkajgiri Police Station, Cyberabad, Rangareddy District, registered for the offence punishable under Section 167 I.P.C.

On a complaint given by the 2nd respondent-Mandal Revenue Officer, Malkajgiri Mandal, Rangareddy District, a case in Crime No.506 of 2009 was registered against the petitioner-accused under the aforesaid offence by the Inspector of Police, Malkajgiri Police Station. The complaint allegations shows that the petitioner-accused, who worked as Mandal Revenue Officer, Malkajgiri, has sent divergent reports i.e., on 22.05.2003 and 20.02.2004 to the higher authorities with regard to surplus land at Jawahar Nagar Co-operative Housing society, Moulaali and thereby allowed the encroachers for getting surplus land regularized and caused loss to the Government.

Learned Counsel for the petitioner submitted that the complaint has been filed more than five years after the alleged offence and, therefore, the complaint itself is barred by limitation. He further submitted that even if the entire allegations are taken to be true, no offence as alleged is made out.

All the aforesaid contentions fall within the purview of disputed questions of fact and, therefore, the truth or otherwise of the allegations cannot be gone into in this petition. The allegations in the complaint *prima facie* attract an offence punishable under Section 167 I.P.C. The matter has to be investigated by the police so that the truth or otherwise of the allegations can be brought out. Therefore, I see no ground to interfere at this stage with the investigation of the case.

The Criminal Petition, therefore, fails and is accordingly dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

09-11-2015

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