

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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CRIMINAL PETITION No.1462 of 2011

Between:

Yadala Srinu, and others

_____. .. Petitioners

and

State of Andhra Pradesh
Rep. by its Public Prosecutor
High Court of A.P, Hyderabad
and another

.. Respondents

DATE OF ORDER PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

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

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

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

CRIMINAL PETITION No.1462 OF 2011

ORDER:

This is a Criminal Petition filed, under Section 482 Cr.P.C, by

the petitioners/A1 to A5 seeking to quash the proceedings in PRC No.59/2010 on the file of II Additional Judicial Magistrate of First Class, Chintalapudi, registered for the offences punishable under Sections 447, 506(2) read with 34 IPC and Section 3(i)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The facts, in brief, are as follows: The second respondent-*de facto* complainant has filed a complaint alleging that he took the land on lease from one M.Narasimha Rao for a period of two years commencing from 15.07.2008 to 14.07.2010. It is alleged that on 13.12.2008 at about 4.00 PM when he was cultivating the land, the petitioners/A1 to A5 came there and obstructed him from doing the agricultural operations and abused him by using the name of caste and also attacked to beat him with knives. Making such allegations, the complaint was filed and the same was registered as Crime No.140/2008. The petitioners have earlier filed Criminal Petition No.8486 of 2008 for quashing the proceedings in the said crime and this Court by order dated 24.12.2008 disposed of the said petition, while observing that considering the nature of allegations and in view of the civil litigation pending between the parties, there is a possibility of complaint being a false one, directing that investigation and consequential steps on the basis of result of such investigation shall go on, but the petitioners shall not be arrested till filing of charge sheet.

3. The learned counsel appearing for the petitioners submits that on perusal of entire material on record, it is manifest that the complaint filed by the second respondent-*de facto* complainant is nothing but a false one. It is further submitted that even though the second respondent claims himself to be a lessee of the land, being in possession and enjoyment thereof, the material on record shows otherwise.

4. According to the second respondent, he took the land on lease

from M.Narasimha Rao, who claims to have purchased the said land from the father of the first petitioner/A1. There are certain disputes so far as the title of the said Narasimha Rao over the subject land is concerned. The said Narasimha Rao has filed a suit in O.S. No.769/2008 on 14.10.2008 for permanent injunction and the first petitioner/A1 has also filed another suit against his own father and the said Narasimha Rao for partition. In one of the suits, the said Narasimha Rao has given evidence as well. The same has been produced and perused. In the said deposition, the said Narasimha Rao has categorically asserted that he did not lease out the property to anybody and that he do not know B.Abbulu, who is the second respondent herein, and that he do not know whether the said Abbulu gave a report to the police. On a perusal of the said material, the fundamental claim of the second respondent-*de facto* complainant that the incident took place while he was cultivating the land, having taken the same on lease from Narasimha Rao, has fallen to the ground. A perusal of the evidence on record *prima facie* reveals that the second respondent has nothing to do with the subject land and was never in possession thereof, as a lessee, as claimed by him. Therefore, the allegation, while he was cultivating the said land, the incident of assault and abuse took place, cannot be believed. On the face of it, the allegations appear to be false. A perusal of the complaint does not make out a case for proceeding further with the trial and no offence is made out against the petitioners/A1 to A5. Therefore, all further proceedings in the subject crime are liable to be quashed.

5. In the result, the Criminal Petition is allowed and the proceedings in PRC No.59/2010 on the file of II Additional Judicial Magistrate of First Class, Chintalapudi, are hereby quashed.

As a sequel thereto, miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

M.S.K. JAISWAL, J

Date: 23.07.2015
MVA

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

CRIMINAL PETITION No.1462 of 2011

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