

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO
CRIMINAL PETITION NO. 1406 OF 2015

ORDER:

At the admission stage, the following order is passed.

It is the submission of learned counsel for petitioner that the subject land was delivered to the petitioners in E.A.No. 512 of 2012 in E.P.No. 29 of 2006 in O.S.No. 165 of 2004 on the file of Senior Civil Judge, Proddatur and since then they have been in peaceful possession and enjoyment of the same and in this backdrop of the facts, the allegations contained in the FIR and charge sheet to the effect that on 12.4.2014 at about 10.00 AM petitioners/A1 to A3 went along with their associates of 15 members to the same fields when LW-1 was attending agricultural work and abusing them in filthy language in the name of their caste and attacked them etc. facts are palpably false and they are invented only to implicate the petitioners/accused in a false case and continuation of proceedings in PRC No. 13 of 2014 on the file of II Additional Judicial First Class Magistrate, Proddatur, would amount to abuse of process of law and sought for quashment of proceedings.

It is seen that in this matter charge sheet has been filed and the matter is numbered as PRC No. 13 of 2014 pending on the file of II Additional Judicial First Class Magistrate, Proddatur for committal. Having regard to the stage of the matter, it is not a fit case to quash the proceedings at this stage. However, considering the submissions of the learned counsel for the petitioners that the subject land was delivered to the petitioners/accused in a civil litigation and the question of their threatening or attacking the respondent/complainant and their men in respect of the same land does not arise and the entire FIR and

charge sheet allegations are only false, this Court considers fit to give liberty to the petitioners/A1 to A3 to present a discharge application before the concerned court seeking for discharge from the case putting forth their defence in which case, the trial court shall take into consideration their defence plea and shall pass appropriate orders on merits.

With this observation, this Criminal Petition is disposed of.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 09.03.2015

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