

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

THURSDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT

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

CRIMINAL PETITION No.9330 of 2015

Between:

Smt.B.Padmavathi and 22 others

..... PETITIONERS/A1 to A23

AND

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

.....RESPONDENTS

The Court made the following:

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

CRIMINAL PETITION No.9330 of 2015

ORDER:

This criminal petition is filed under Section 482 Cr.P.C to quash the proceedings in Cr.No.14 of 2015 on the file of Kalyanadurg Town Police Station, Anantapur District, registered for the offences punishable under sections 295, 405, 268, 409, 420, 117 r/w.Sec.179, 363, 324 IPC.

Heard the learned counsel for the petitioners/A1 to A23 and the learned Additional Public Prosecutor, representing the State.

On a private complaint being forwarded to the police by the jurisdictional Magistrate, the above crime was registered against the petitioners/A1 to A23. It is alleged that the petitioners/A1 to A23 without having any right or title, have occupied the land of Sri Subramanyeswara Swamyvari Temple and Government land situated in Sy.No.348 & 349 of Kalyandurg and constructed certain rooms, shops and marriage function hall and earning money illegally, and when the 2nd respondent/*de facto* complainant questioned them, the petitioners/accused foisted a false case against him in Cr.No.159/2014 under Section 323 IPC, which is numbered as C.C.No.161/2014 and pending before the learned Judicial First Class Magistrate, Kalyandurgam.

The contention of the learned counsel for the petitioners/accused is that the petitioners/accused have not encroached or occupied any temple or government land and with due permission of the Municipal Commissioner, they proceeded with the construction and this case is foisted against them.

In the complaint itself, it is averred that the Commissioner of Kalyandurg Municipality without any documents or enquiry has permitted the petitioners/accused to raise structures on the land in question. The matter is under investigation. At this stage the investigation cannot be stalled in the nature of allegations. There are no valid grounds to quash the First Information Report.

In the facts and circumstances of the case, the Investigating Officer is directed to proceed with the investigation, however, without arresting the petitioners/A1 to A23 till filing of charge sheet, and the petitioners/A1 to A23 shall appear before the Investigating Officer as and when required and cooperate him to complete the investigation.

The Criminal Petition is accordingly disposed of.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 08.10.2015

Dsr