

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Criminal Petition No.6726 of 2014

ORDER:

In this petition filed under Section 482 Cr.P.C. petitioner/A3 seeks to quash the proceedings in C.C.No.204 of 2010 on the file of Judicial Magistrate of First Class, Husnabad, Karimnagar District.

2) The report given by the defacto complainant in Husnabad PS was registered as Cr.No.189 of 2008 and after investigation charge sheet was laid against A1 to A4 for the offences under Sections 323, 290, 420, 506 r/w 34 IPC.

3) The allegations are that on 10.03.1989 the late husband of complainant viz. Madapa Ram Reddy purchased land Ac.4.35 gts. in Sy.No.101 and Ac.1.16 gts. in Sy.No.300/A situated at Kuchanapalli from A1 for Rs.32,000/- and A1 executed a sale deed in his favour and at that time the original pattadar—A2 and her son A3 were also present and thereafter A1 to A3 handed over the land to the complainant's husband and ever since the complainant and her husband were in possession and enjoyment of the land. All the accused assured to register the land in the name of Madapa Ram Reddy, the husband of complainant but they delayed. Madapa Ram Reddy died on 25.07.2007 and after his demise the defacto complainant approached A1 to A3 and requested several times to register the land in her name as her husband was no more and A1 to A3 agreed to register the land but postponed the same.

Subsequently defacto complainant came to know that on 23.07.2008 A2 registered Ac.1.16 gts. of land in Sy.No.300/A and another Ac.1.16 gts. of land in Sy.No.101 in the name of A4 with the instigation of A1 to A3. A2 also executed another document in favour of A3 and registered Ac.3.11 gts. of land in Sy.No.101. While so, on 24.07.2008 A1 to A4 abused the defacto complainant in filthy language and beat her with hands and threatened with dire consequences.

4) Denying the allegations, learned counsel for petitioner/A3 argued that the charge sheet allegations are false inasmuch as it is not known as to how A1 who was admittedly not the owner of the land could sell the land to the husband of the complainant. So, there is no basis for complainant to lodge the complaint. The complainant also filed civil suit—O.S.No.79 of 2009 on the file of Junior Civil Judge, Husnabad for perpetual injunction and another suit—O.S.No.104 of 2011 on the file of Senior Civil Judge, Husnabad for declaration of title and perpetual injunction in respect of the very same property and as such complaint allegations are not maintainable. He relied upon the decision reported in *Rishipal Singh v. State of U.P. and another*^[1]. He thus prayed for quashment of the proceedings.

5) With regard to ownership of property is concerned, civil suits are already pending between the parties and the respective rights of the parties will be decided in those suits. The charge sheet is mainly filed on the allegation that when the complainant questioned the acts of A1 to A3 in selling the land to A4 ignoring

the sale earlier effected in favour of the husband of the complainant, all the accused abused her and beat her. In view of the fact that charge sheet is filed for the offences under Sections 323, 506 IPC along with Sections 290 and 420 IPC, it is not a fit case to quash the proceedings, as the accused were charged for attacking the defacto complainant. The cited decision in ***Rishipal Singh***'s case (1 supra) will not help the case of the accused because continuation of proceedings does not amount to abuse of process of law having regard to the facts of the case.

6) In the result, this Criminal Petition is dismissed.

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

U. DURGA PRASAD RAO, J

Date: 11.03.2015

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[\[1\]](#) 2014 (2) ALD (CrI.) 1000 (SC)