

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

CRIMINAL PETITION No.6573 of 2015

Between:

Pochagoni Raju and 2 others

... Petitioners

and

The State of Telangana rep. by its Public Prosecutor &
another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 24-07-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | 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 |

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
CRIMINAL PETITION No.6573 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/Accused Nos.3 to 5 under Section 482 Cr.P.C to quash the proceedings in C.C. No.777 of 2014 on the file of II Metropolitan Magistrate, Cyberabad, L.B.Nagar, Ranga Reddy District outcome of Crime No.1199 of 2013 of L.B.Nagar Police Station registered for the offences punishable under Sections 448, 427, 420 read with 34 I.P.C.

2) Heard the learned counsel for the petitioners and the 1st respondent-State represented by the Public Prosecutor, before admission, before issuing notice to the 2nd respondent and perused the material on record.

3) Among accused Nos.1 to 5, A-3 is son of A-1, A-4 and A-5 are sons of A-2. A-1 and A-2 are sons of one Babaiah, the original owner of the land to an extent of Ac.5-19 guntas. The defacto-complainant, as per his report, purchased plot No.1-72/22 admeasuring 303 Square yards which is part of the property from said Babaiah, father of A-1 and A-2 and his brother also purchased about 270 Square yards near to it in Plot No.1-72/9 and as per the case of the defacto-complainant he constructed compound wall to his plot in the year 1977 and A-1 and A-2 being sons of Babaiah and the petitioners herein who are the sons of A-1 and A-2 respectively criminally trespassed into the plot of the complainant supra and damaged the compound wall and they sold the self-same property again to one T.Ramadas for Rs.19,69,500/-, hence

to take action. Police after investigation filed the final report against A-1 to A-5. The sum and substance of the final report from recording of statements of L.Ws 1 to 6 is that the accused persons 1 and 2 and their sons A-3 to A-5 all conspired together and that on 24.03.2013 executed an agreement of sale for plot No.1-72/22 of 303 Square yards that belongs to the complainant and trespassed into the same and damaged the compound wall and they also executed sale deeds, having sold the same to one Ramadas under registered document No.2753/2013, dated 30.03.2013.

4) It is pointing out by the learned counsel for the petitioners that there is no such sale agreement filed to say that the petitioners are parties to the contract for sale and the sale deed referred as document bearing No.2753/2013 shows only A-1 and A-2 as the executants being the sons of Babaiab and it is also the contention that there is nothing to show any damage to the compound wall.

5) Prima facie from the charge sheet, there is reference of they all colluded together and trespassed and damaged the compound wall and it is also averred that they all entered into an agreement of sale. Having regard to the above, for this Court from perusal of Part-II C.D. also there is no material to say no offence against the accused persons 3 to 5 attract.

6) Accordingly, this criminal petition is disposed of for no grounds even to admit the same under Section 482 Cr.P.C. However, liberty is still available to the petitioners if at all there are no grounds to frame charge to file an application under Section 239 Cr.P.C for discharge and any charges to frame under Section 240 Cr.P.C. However, remedies are left open to the petitioners if

they want to file a petition under Rule 37 of Criminal Rules of Practice to represent one accused on behalf of other accused and in such an event, the learned Magistrate, after hearing, shall consider and permit them.

7) Miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

24.07.2015

ksh