

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.1865 OF 2013

ORDER:

This criminal petition under Section 482 of the Code of Criminal Procedure is filed by the petitioners/A.1 and A.2 seeking to quash the proceedings in C.C.No.272 of 2012 on the file of the II Additional Judicial First Class Magistrate, Tenali, Guntur District, arising out of offences under Sections 447, 327, 186 read with Section 34 IPC.

The brief facts of the case are as follows. The complainant was the in-charge Panchayat Secretary of Kunchavaram Village panchayat. An information wall was constructed in Government site at Panchayat office compound wall with the funds of MGNREGS in the year 2007. When the complainant came to office, he found the information wall was damaged. On enquiry with the villagers, he came to know that the petitioners herein got the wall destructed with coolies and as such, filed the complaint against the petitioners herein.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that the petitioners are the owners of the land and the complainant is in no way connected with the said site and that a false complaint is given by the complainant against the petitioners herein with political motivation. Hence, he prays this Court to quash the proceedings.

Considering the facts and circumstances, this Court is of the view that the points raised by the learned counsel for the petitioners are to be adjudicated by the Court below at the time of trial. This Court is not inclined to interfere with the proceedings of the Court below. However, taking into consideration the age of the first petitioner as 70 years and the second petitioner has to look after the first petitioner, their presence before the Court below is hereby dispensed with except on the dates when the trial Court insists for their appearance.

The criminal petition is accordingly disposed of. Consequently,

miscellaneous petitions, if any pending, shall stand closed.

JUSTICE RAJA ELANGO

21.07.2015

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