

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5861 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/Accused under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.176 of 2015 on the file of the Additional Judicial Magistrate of the First Class, Armur which is the outcome of report of the 2nd respondent/defacto-complainant in Crime No.116 of 2014 of Sirikonda Police Station, Nizamabad District registered for the offence punishable under Sections 447, 427 I.P.C and Section 3(2)(a) of Prevention of Damage to Public Property Act.

2) Heard the learned counsel for the petitioners and the 1st respondent-State represented by the Public Prosecutor before admission and before ordering notice to the 2nd respondent and perused the material on record but for to say the alleged occurrence taken place on 27.03.2012 at about 10 or 10.30 A.M and the report given on 11.10.2014 to say more than one year and the offence under Section 447 I.P.C is punishable upto three months and the limitation maximum is one year from the date of occurrence that is barred by limitation under Section 468 Cr.P.C. So far as the other offence under Section 427 I.P.C and Section 3 of Prevention of Damage to Public Property Act, it is not shown the claims are barred by limitation to

sustain the prosecution.

3) It is the contention that there was an understanding from the offer by acceptance to provide the Government site of the M.P.D. Office where the existing compound wall is there by demolishing part of the compound wall and to reconstruct after availing a passage by the accused persons for the right of access to their land that is curtailing by the M.P.D Office to compensate the same, they wanted to give 450 Sq. yards of site. There is no proceeding either to permit to demolish the compound wall or to give any site of the M.P.D Office where the compound wall is existing, but for the accused persons even for removing the compound wall by using proclainers and men, once there is a prima facie case from the charge sheet filed, for this Court there are no grounds to admit muchless to quash that too after taken cognizance by the learned Magistrate.

4) Having regard to the above, this petition is disposed of before admission giving liberty to the petitioners to file an application under Section 239 Cr.P.C for discharge from the proceedings if they are able to show better material by filing such an application. Needless to say if any application filed by them under Rule 37 of Criminal Rules of Practice, the learned Magistrate shall consider to permit one to represent for other accused unless their personal appearance is required for any specific adjournment.

5) With the above observations, the Criminal Petition is

disposed of. As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

10.07.2015
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