

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9845 of 2015

ORDER :

This petition is filed by the petitioners/A-3 and A-4 under section 482 Cr.P.C seeking to quash the proceedings in C.C. No.228 of 2012 on the file of Judicial Magistrate of the First Class, Siddipet, Medak District which is the outcome of report of 2nd respondent, Tahsildar, for the offences punishable under Sections 420, 447, 427 I.P.C and registered the same as Crime No.21/2012 of II Town Police Station, Siddipet, Medak District.

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

3) The crime was registered against the petitioners including A-1, A-2 and A-5 from the information passed on by the V.R.O stating that the accused persons colluded together and created a document as if it is the land of A-3 and A-4 entered for sale and delivered possession to A-1, A-2 and A-5 and used JCBs for digging the land and causing damage to the property. It is the crime registered on 26.02.2012 and the police after making investigation filed charge sheet.

4) In fact, on perusal of the material, it falls short for this Court even to admit the application and to quash the C.C. proceedings and hence the petition is disposed of giving liberty to the petitioners to file a petition under Section 239 Cr.P.C for discharge before the learned Magistrate if there are no grounds to frame charge under Section 240 Cr.P.C and the learned Magistrate shall have to dispose of the same basing on the prosecution material only vide ***State of Orissa V. Debendranath Padhi***^[1]. Needless to say that the petitioners along with other accused are at liberty to file an application under Rule 37 of Criminal Rules of Practice and the learned Magistrate shall hear and permit one accused on behalf of all others in the C.C. proceedings with necessary conditions including personal appearance as and when required.

5) With the above observations, the criminal petition is disposed of. Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

27.10.2015

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^[1] (2005)1 SCC 568