

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.6132 of 2012

ORDER:

This Criminal Petition is filed by the petitioner – accused No.8 under Section 482 Cr.P.C., to quash the proceedings against him in CC No.308 of 2009 on the file of Judicial Magistrate of First Class, Mydukur, Kadapa District.

Heard and perused the material available on record.

The 3rd respondent lodged a complaint before the Judicial Magistrate of First Class, Mydukuru, alleging that the petitioner and other 7 accused colluded with each other and registered an extent of Ac.0.56 cents of land out of total extent of Ac.1.68 cents of land in Sy. No.865 belong to the 3rd respondent, in favour of A1 and A7. The said complaint was referred to the 1st respondent – Station House Officer, Mydukur (U) Police Station, Mydukur Town and Mandal, who inturn registered the same as Crime No.61 of 2009 for the offence under Section 420 IPC against the petitioner and others, and took up investigation. After completion of investigation in the said crime, the police filed charge sheet before the Judicial Magistrate of First Class, Mydukur, against the petitioner and others.

Learned counsel for the petitioner submitted that the contents of the complaint does not disclose any cognizable offence, and that the learned Magistrate without applying his mind forwarded the same by invoking provisions under Section 156(3) Cr.P.C., to the police for investigation. He further submitted that even the charge sheet does not disclose any specific overt acts against the petitioner and about the role played by the petitioner in execution of the alleged document in favour

of A1 an A7 and hence, he requested to quash the proceedings against the petitioner.

This Court perused the entire record placed before this Court. As contended by the learned counsel for the petitioner, the complaint and also the charge sheet does not disclose any specific overt acts against the petitioner. Hence, this Court is of the view that continuation of proceedings against the petitioner in the above crime is nothing but abuse of process of law and same are liable to be quashed.

Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner in CC No.308 of 2009 on the file of Judicial Magistrate of First Class, Mydukur, Kadapa District, are hereby quashed. Miscellaneous Petitions, pending if any, shall stand closed.

October 14, 2016.
KTL

RAJA ELANGO, J

