

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.8401 of 2012

ORDER:

-

1. This Criminal Petition is filed by accused Nos.1 to 5 under Section 482 Cr.P.C. seeking to quash the proceedings against them in Crime No.418 of 2012 on the file of Karimnagar Rural Police Station, Karimnagar District, registered for the offence punishable under Section 379 IPC.

2. The case of the prosecution is as follows:

On 18.11.2012 at 2 O' clock the members of the Chamanpalli Fisheries Industrial Co-operative Society after obtaining permission of Fisheries Department, went to catch the fish on "Theppalu" along with nets. They kept eight Theppalu and eight Thedlu near the canal bund and went on sleep. In the morning at about 7 a.m., they woke up and found that the Theppalu and Thedlu were stolen by some unknown persons. The value of the stolen property is about Rs.25,000/-. On enquiry, they came to know that the petitioners-A1 to A5 committed theft of the above Theppalu and Thedlu. On the complaint lodged by the 2nd respondent- Bojja Narayana, Vice President, Fisheries Industrial Co-operative Society Limited, Chamanpalli Village, the above crime was registered.

3. Heard and perused the material available on record.

4. Learned Counsel for the petitioners submitted that the 1st petitioner made a complaint against the 2nd respondent and his associates, who tried to catch the fish by engaging labour and that the present complaint was lodged as a counter-blast to the complaint lodged by the 1st petitioner and that no case has been made out against the petitioners.

5. Learned Additional Public Prosecutor submitted that this is not a fit case to quash the proceedings and the truth or otherwise of the allegations is to be ascertained by the investigating agency.

6. From the material on record, it is apparent that the allegations were made against the petitioners only on suspicion. There is no eye witness to the incident. Further, from the reading of the entire material, it is evident that there are disputes between the 2nd respondent and the petitioners, who are members of the society, and that the 1st petitioner was elected as the President of the said society. The Secretary filed W.P.No.20455 of 2012 without impleading the 1st petitioner and subsequently, the 1st petitioner was impleaded in the above Writ Petition. This Court after hearing the above writ petition, passed orders directing the officials of the Fisheries Department to issue lease hold rights to the society and keep the Vice President of the Society as incharge of the fishing operations.

7. Considering the facts and circumstances of the case, this Court is of the view that there are disputes among the members of the society and that the present complaint has arisen out of such disputes. Therefore, this Court is inclined to quash the proceedings against the petitioners.

8. Accordingly, the Criminal Petition is allowed quashing the proceedings in Crime No.418 of 2012 on the file of Karimnagar Rural Police Station, Karimnagar District. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated:25th July, 2016

Nn

THE HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-
-
-
-
-
-
-
-

CRIMINAL PETITION No.8401 of 2012

-
-
-
-

25.7.2016

Nn