

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2355 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/A-1 to A-3 in Crime No.47 of 2016 of Kankipadu Police Station, Krishna District, registered for the offences punishable under Sections 447, 427 and 506 read with Section 34 IPC and Section 3 (1) (x) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

It appears that a case was registered as Crime No.47 of 2016 by Kankipadu Police basing on the complaint of the 2nd respondent/ de facto complainant wherein it is stated that he purchased land admeasuring Ac.0.26½ cents from one Yadali Venkateswara Rao on 28-02-2007. It is alleged stated that the petitioners have entered into the said land by saying that they are Kouldars of the said land, as the said land was given to them for koul and a board erected by the 2nd respondent was removed and threatened him with dire consequences.

A bare perusal of the material on record would reveal that there is civil dispute in respect of the land in question between the parties. Admittedly, the dispute in the present case is purely in civil nature not involving any public wrong, which can be determined by a competent civil Court. However, the allegations made in the complaint, though they are not serious in nature, have to be necessarily investigated by the investigating agency, and

this Court will not interfere with the said investigation.

Considering the facts and circumstances of the case, this Court is of the view that it is not a fit case where the proceedings can be quashed invoking the jurisdiction under Section 482 Cr.P.C. However, since the petitioners are apprehending of their arrest in view of pendency of the present crime, the Kankipadu Police, Krishna District, is hereby directed to complete investigation without arresting the petitioners and file final report in the court. The 2nd respondent is at liberty to take recourse to appropriate remedy against such final report if he is aggrieved to do so.

Accordingly, the Criminal Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

RAJA ELANGO, J

Date: 24-02-2016

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