

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2152 OF 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioners-accused Nos.1 to 6 seeking to quash the proceedings in FIR No.7 of 2016 of Komarada Police Station, Vizianagaram District, registered for the offences under Sections 447 and 506 498-A IPC and 3 (1) (iv) and 3 (1) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Heard the learned counsel for the petitioners and the learned Public Prosecutor and perused the material available on record.

The case of the prosecution is that the 1st petitioner took the land of the de facto complainant for lease and cultivating the same for the past 10 years. When the de facto complainant asked the 1st petitioner to return the land, the petitioners threatened the de facto complainant with dire consequences stating that the land belongs to them and also abused him in the name of his caste.

Learned counsel for the petitioners submitted that the petitioners are innocent of the offences alleged against them and that they purchased the said land from the de facto complainant by paying sale consideration and their names are also reflected in the pattadar pass books and when some persons tried to trespass into the said land, the 1st petitioner gave complaint against them and the same was registered as Crime No.6 of 2015 for the offences 447, 427 and 506 r/w. 34 IPC, and as a counterblast to the same, the present complaint is filed.

The truth or otherwise of the said allegations can be ascertained by the investigating agency during the course of

investigation. Therefore, this Court is not inclined to interfere with the proceedings against the petitioners. At this stage, learned counsel for the petitioners submitted that in view of the pendency of the above crime, the petitioners apprehend arrest and also the harassment in the hands of the police and that the petitioners are ready to cooperate with the investigation.

In view of the above, the police concerned are directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The petitioners are directed to appear before the Investigating Agency as and when their presence is required, and cooperate with the Investigating Agency.

With the above directions, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

February 22, 2016.

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