

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2199 OF 2016

ORDER:

1. This petition is filed by the petitioners-accused under Section 482 Cr.P.C. seeking to quash the proceedings against them in C.C.No.515 of 2011 on the file of the Special Magistrate, Cyberabad, Hayatnagar.

2. It is alleged that there is a dispute between the de facto complainant and A1 in respect of landed property. While so, A1 filed a suit against the de facto complainant. In the said suit, the de facto complainant filed I.A. seeking temporary injunction against the accused and the said petition was dismissed. On 4.4.2011, while the de facto complainant was constructing a compound wall, A1 and A2 went there and damaged the glasses of JCB and abused him in filthy language. Thus, the petitioners are alleged to have committed the offence punishable under Sections 341, 427 and 506 IPC.

3. The learned Counsel for the petitioners submitted that the suit filed by the de facto complainant against the 1st petitioner seeking specific performance of an agreement of sale in respect of the property in question, was dismissed and the Civil Court categorically observed in the said civil suit that the 1st petitioner is in possession of the property in question and that during the pendency of the civil suit, the de facto complainant trespassed into the property of the 1st petitioner, damaged, it and caused hurt to him and on the complaint lodged by the 1st petitioner, a case was registered and after completion of investigation, the police filed the charge sheet and the same was numbered as C.C.No.185 of 2015 and the same is pending and that in order to wreck vengeance on the petitioners, the de facto complainant filed a false complaint.

4. The above grounds raised by the learned Counsel for the petitioners are the points to be determined by the trial Court. Admittedly, the present C.C. is pending from the year 2011 and the trial Court has already framed charges. Now, the trial is in progress. At this stage, this Court is not inclined to interfere with the proceedings in the above C.C. However, the petitioners are at liberty to raise all the above points during the course of trial, more particularly regarding the findings of the Civil Court in the suit filed by the de facto complainant. The presence of the petitioners before the trial Court is dispensed with except on the dates when their presence is insisted by the trial Court. The petitioners are directed to be represented through their Counsel before the trial Court on all hearing dates.

5. Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 23.2.2016

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DATED 23.2.2016

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