

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION NO.12548 OF 2013

ORDER:

This Criminal Petition under Section 482 of Cr.P.C. is filed by the accused to quash the proceedings in C.C.No.433 of 2012 pending on the file of Principal District & Sessions Judge, Warangal for the offences punishable under Sections 447, 427 & 188 IPC.

The de facto complainant-Tahsildar, Hanamkonda, who is the second respondent herein promulgated the orders under Section 145 of Code of Criminal Procedure on 19.5.2012 in respect of a disputed site and directed the petitioner herein and others not to interfere with the property in question. While the said proceedings are in force, one Mr. Gaddam Saraiah filed a representation before the complainant alleging that the petitioner entered into the said property and carried out certain works. Hence, the de facto complainant lodged the complaint with the police to implement the orders passed under Section 145 of Cr.P.C., basing on which, a case was registered for the offences under Sections 447, 427 and 188 IPC and the charge sheet was filed against the petitioner for the said offences.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that challenging the orders of the de facto complainant under Section 145 of Cr.P.C., the petitioner has already filed W.P.No.30384 of

2012 and this Court suspended the proceedings of the de facto complainant in W.P.M.P.No.38730 of 2012. It is further submitted that the said proceedings under Section 145 of Cr.P.C. came to be initiated in view of the dispute between the petitioner and other party in respect of the property in question and that the civil suit filed in that regard was already disposed of in view of the compromise entered between the parties.

Considering the above circumstances, this Court is of the view that no purpose would be served in continuing the impugned proceedings against the petitioner herein and the same are liable to be quashed.

In the result, the Criminal Petition is allowed and the proceedings in C.C.No.433 of 2012 pending on the file of Principal District & Sessions Judge, Warangal are hereby quashed as against the petitioner herein.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

27th August, 2016

Tsr

