

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.5309 of 2016

ORDER

-

This petition under Section 482 Cr.P.C. is filed by the petitioners/A1, A2, A4, A7, A11, A12, A18 and A19 seeking to quash the proceedings in C.C.No.516 of 2015 on the file of IV Additional Judicial First Class Magistrate, Kakinada, for the offences punishable under Sections 147, 148, 447, 427, 323, 506 r/w 149 IPC and under Section 7(1)(A) of Criminal Amendment Act, against them.

2. It is alleged in the charge sheet that the de facto complainant and his younger father were having the land to an extent of Ac.0.50 cents in Sy.No.26/4 situated at Bhimavaram, Kakinada road, Samalkota. The de facto complainant gave the said land to the accused for lease for a period of 15 years with a view to run a petrol bunk. Even after expiry of lease period, the accused did not vacate the said site and finally, the accused handed over the site to the de facto complainant on 30.03.2015 and thereafter, the de facto complainant removed the pumps and tanks safely and kept them in safe custody. While so, on 27.08.2015 morning at 10.00 AM., all the accused forming themselves into an unlawful assembly armed with deadly weapons, trespassed into the site of the de facto complainant and attacked their clerk and watchman and when the de facto complainant came there, all the accused beat him with hands and kicked with their legs and also caused mischief by damaging the CC Camera, electronic and computer records. Based on the complaint, a case in Cr.No.221 of 2015 of Samalkota Police Station was registered against the accused for the offences under Sections 147, 148, 447, 427, 323, 506 r/w.149 IPC.

3. Since there were property disputes between the petitioners and the de facto complainant, the matter has to be decided after full fledged

trial and therefore, this Court is not inclined to interfere with the impugned proceedings. However, the presence of petitioner Nos.2,3,5& 6/A2,A4,A11 and A12 before the trial Court is dispensed with except on the dates whenever their presence is insisted by the trial Court and they shall be represented by their counsel.

4. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

RAJA ELANGO, J

18th April, 2016

sj