

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.6409 OF 2016

ORDER:

This petition is filed by the petitioner-A1 under Section 482 Cr.P.C. seeking to quash the proceedings against him in FIR No.125 of 2015 on the file of Edulla Bayyaram Police Station, Khammam District, registered for the offence punishable under Sections 3(iv)(v) (ix) and Section 3(2)(vii) r/w 10 of SCs & STs (POA) Act r/w 6-A of the A.P. Scheduled Area (Land Transfer) Regulation 1959.

Heard and perused the material available on record.

Respondents No.1 and 2 filed a private complaint stating that the petitioner is their tenant and he avoided payment of rents and he is continuing in wrongful possession and occupation of the house belonging to respondents 1 and 2. A2, who is the Executive Officer, Grampanchayat Gopalaraopeta issued ownership certificate in favour of the petitioner in respect of the house of the respondents 1 and 2. A3 issued electricity service connection in the name of the petitioner. The name of the petitioner was also entered in the panchayat records. The petitioner gathered some non-tribals and formed into an unlawful assembly with an intention to assault respondents 1 and 2. As the private complaint was referred to the police by the learned Magistrate, the above crime was registered.

Learned Counsel for the petitioner submitted that the father of the 1st petitioner had purchased the property in question and constructed a house therein about 60 years back and that respondents 1 and 2 made a false complaint against the petitioner.

Considering the facts and circumstances of the case and the allegations made against the petitioner, this Court is not inclined to grant the relief sought by him. However, the 3rd respondent-police concerned are directed to complete the investigation and file a final report, if any, without arresting the petitioner. In the event of necessity,

the 3rd respondent-police are directed to issue a notice to the petitioner to appear before the investigating agency for the purpose of investigation. On issuance of such notice, the petitioner is directed to appear before the investigating agency and give an undertaking as to his future appearance as and when required for the purpose of investigation.

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

JUSTICE RAJA ELANGO

Date : 26.4.2016

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DATED 26.4.2016

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