

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3751 OF 2012

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking to quash the proceedings against him in Crime No.137 of 2012 on the file of Alwal Police Station, Cyberabad, R.R. District, registered for the offences punishable under Sections 447 and 427 IPC and 3, 4 and 5 of the A.P.Land Grabbing (Prohibition) Act.

The case of the prosecution is that the petitioner was allotted an extent of Acs.5.00 gts., of land in Sy.No.182, situated at Jawaharnagar, Shamirpet Mandal, Ranga Reddy District, on 07.04.1974 and since the he has been in possession of the said land. When the 2nd respondent – Tahsildar, Shamirpet Mandal, tried to interfere with the said land, the petitioner approached this Court and filed WP No.13827 of 2005 and this Court granted interim direction, directing the 2nd respondent not to dispossess the petitioner from the said land and also directed the petitioner not to change or alter the nature of the land or create any third party interest till final disposal of the writ petition. While so, on 09.03.2012, the 2nd respondent lodged a complaint against the petitioner before the Station House Officer, Alwal Police Station, stating that the petitioner is illegally constructing a cattle shed in the said land and basing the on the said report, the police registered the above crime.

Heard and perused the material available on record.

Learned counsel for the petitioner mainly contended that the said land was allotted to the petitioner in the year 1974 and since then he has been in peaceful possession and enjoyment of the said property and that the facts of the case does not disclose any offence under Sections 3, 4 and 5 of the Land Grabbing Act and the police are

not having any power to proceed with the matter and that he is the lawful owner of the said property and hence the offences under Sections 447 and 427 are not attracted and the petitioner is in possession of relevant documents to substantiate his possession and ownership over the property.

While ordering notice to the 2nd respondent on 18.04.2012, this Court granted interim stay of all further proceedings in FIR No.137 of 2012 of Alwal Police Station. The truth or otherwise of the allegations against the petitioner, can be ascertained during the enquiry. Therefore, this Court is not inclined to interfere with the proceedings against the petitioner in the above case.

At this stage, the learned Counsel for the petitioner submitted that due to the pendency of the above crime, the petitioner apprehends arrest and harassment in the hands of the police.

Considering the facts and circumstances of the case and also in view of the submissions of the learned counsel for the petitioner, this Court is inclined to pass the following order:

The police concerned are directed to complete the investigation and file final report, if any, in accordance with law, without arresting the petitioner. In the event of necessity, the police concerned are directed to issue notice to the petitioner for his appearance before the investigating agency for the purpose of investigation. On issuance of such notice, the petitioner shall appear before the investigating agency and produce all the relevant documents to substantiate his contentions.

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

July 22, 2016.
KTL

RAJA ELANGO, J