

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.404 of 2014

ORDER:

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1. This Criminal Petition is filed by the petitioner-accused No.7 under Section 482 Cr.P.C. seeking to quash the proceedings against him in C.C.No.714 of 2011 on the file of the IV Additional Chief Metropolitan Magistrate, Hyderabad.

2. The allegations in the complaint lodged by the 2nd respondent are as follows:

The 2nd respondent has ancestral property admeasuring 300 sq. yards bearing Municipal No.3-4-285 besides Vysya Hotel, Kachiguda, Hyderabad. In the year 2003, one Kaiser Chantni pressurized the 2nd respondent and his family members for sale of the said property, for which they refused, and after few days, he along with rowdy sheeter and his associates entered into the said property and occupied the same and they threatened the 2nd respondent and his family members with dire consequences by showing Talwars, Daggers and they made sale agreement in favour of Kaiser Chantni and others, at the rate of Rs.3,000/- per sq. yard even though the market rate was at the rate of Rs.11,000/- per sq. yards at that time. Again after one week, the accused persons, who are the rowdy sheeters came to him and told that they have no sufficient money during the sale transaction and asked him to pay money and threatened him. On the basis of the complaint, a case in Crime No.99 of 2008 was registered against the petitioner and other accused. After completion of the investigation, the police filed the charge sheet against the petitioner and other accused. The petitioner along with 10 persons was charge sheeted for the offence punishable under Sections 143, 144, 147, 506, 384 r/w 149

IPC and Section 25(1)(b) of the Arms Act. The case against the petitioner-A7 was split up and numbered as C.C.No.714 of 2011. The other accused A2, A6, A8 to A11 absconded during the course of trial in C.C.No.333 of 2008. Insofar as A1, A3 to A5 are concerned, the trial Court conducted trial in C.C.No.333 of 2008 for the above offences. In the said C.C.No.333 of 2008, three witnesses were examined and Exs.P1 to P4 were marked on behalf of the prosecution. The said three witnesses did not support the case of the prosecution and they turned hostile. Furthermore, the witnesses denied the fact that they lodged the complaint before the police and also they informed before the Court that they do not know the accused persons involved in the above crime. In view of the same, the trial Court acquitted A1, A3 to A5 for the above offences.

3. In view of the evidence of the main witnesses in connection with the above crime and in view of the acquittal of the other accused, who stood on the same footing as that of the present petitioner-A7, this Court is of the view that no purpose will be served in proceeding against the petitioner-A7 for the above offences in C.C.No.714 of 2011. Therefore, this is a fit case wherein the proceedings against the petitioner can be quashed.

4. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioner-A7 in C.C.No.714 of 2011 on the file of the IV Additional Chief Metropolitan Magistrate, Hyderabad. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 16th February, 2016
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