

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Petition Nos.533 & 15926 of 2014

COMMON ORDER:

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Since both the Criminal Petitions are arising out of the same proceedings, they are heard together and being disposed of by this common order.

Crl.P.No.533 of 2014 is filed by A.6 & A.7 and Crl.P.No.15926 of 2014 is filed by A.2 to A.5 seeking to quash the proceedings in C.C.No.208 of 2013 pending on the file of Judicial Magistrate of First Class, Chevella, R.R.District registered for the offences under Sections 420, 468 and 471 IPC.

The facts of the case are that the complainant-second respondent herein filed a private complaint against the petitioners alleging that he is the owner of the ancestral property to an extent of Ac.16.37 guntas of land in Sy.No.209 of Kandanda village, Chevella Mandal and that the accused 1 to 5, by making false statement, obtained ORC on 6.6.1996 from the revenue officials and thereafter basing on that, accused 6 and 7 purchased the said land. Basing on the said complaint, originally a case was registered and the police filed a report referring it as false. Thereafter on filing protest petition, the learned Magistrate has taken cognizance for the said offences.

Even after service of notice, no representation on behalf of the second respondent-complainant.

The entire case is arising out of a land dispute over which, there is a rival claim by the complainant and accused 1 to 5. It is the case of the petitioners-accused that they have obtained occupancy rights certificate on 22.7.1995 from the Revenue Divisional Officer-

cum-Inams Tribunal and the same was also known to the de facto complainant. Whereas, the complaint was lodged in the year 2011. It is the case of the complainant that the occupancy rights certificate obtained by the accused 1 to 5 is a forged one and regarding the same, number of litigations are instituted by the complainant and also by the petitioners herein. It is informed that in each and every case, the petitioners herein succeeded and final orders were also passed in their favour holding that they are the persons who are in occupancy of the land.

This Court after perusal of the entire record is of the view that no prima facie case is made out against the petitioners herein to prosecute them for the alleged offences and therefore, the impugned proceedings are liable to be quashed.

In the result, both the Criminal Petitions are allowed and the proceedings in C.C.No.208 of 2013 pending on the file of Judicial Magistrate of First Class, Chevella, R.R.District are hereby quashed.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

17th February, 2016

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CRIMINAL REVISION CASE No.2110 of 2015

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