

HON'BLE SRI JUSTICE N.BALAYOGI

CRIMINAL PETITION No.8877 of 2011

ORDER:

This criminal petition is filed by the petitioners/A-1 to A-5, under Section 482 of Cr.P.C., seeking to quash the proceedings in Crime No.221 of 2011, on the file of the Koratla Police Station, Karimnagar District.

2. Heard learned counsel for the petitioners, learned Public Prosecutor appearing for the 1st respondent and Sri N. Praveen Kumar, learned counsel appearing for the 2nd respondent. Perused the material available on record.

3. The contention of the petitioners is that as per the complaint of the 2nd respondent/complainant, the staff entered into the land of one Shikari Raja Ramnath and damaged the field without any notice to the said owner. The said acts of the staff of the 2nd respondent itself amounts to the offences punishable under Sections 447 and 427 IPC. The 2nd respondent and the staff exceeded the powers vested in them by trespassing and causing damage to the property. The present criminal proceedings are initiated against the petitioners with an intention to harass them and defame them in the business market of Koratla Town. The allegations do not constitute an offence punishable under Section 353 IPC.

4. On the other hand, learned counsel for the 2nd respondent contended that the staff of the Town Planning Municipality proceeded to disturb the illegal layout with the help of tractor with blade and while discharging their official duties, the petitioners obstructed them and threatened them to vacate the land immediately and forcefully drove out

them and tractor from the site, which clearly attracts the offence punishable under Section 353 IPC.

5. A perusal of the record goes to suggest that the Town Planning Staff of the Korutla Municipality, Karimnagar, detected illegal layout in Survey No.799/ , situated at NH-63, Jagtial Road, Korutla. Thereafter, the Municipality issued a notice, dated 06.09.2011, to the land owner Shikari Raharamnath Babu. A reply to the said notice was also submitted stating that the conversion proposals are submitted to the Revenue authorities and after receiving the permission, obtained the layout permission from the Director of Town & Country Planning, A.P., Hyderabad. While so, on 14.09.2011 at about 8.30 A.M., the Town Planning Staff went to the layout to disturb the illegal layout with the help of tractor with blade. Though the owner stated that the conversion proposals submitted to the Revenue authorities and after receiving the permission, obtained the layout permission from the Director of Town & Country Planning, A.P., Hyderabad, but no such proceedings were produced before the Court. More so, it is alleged that the petitioners threatened the Town Planning Staff by uttering the words as “warn to vacate the land immediately otherwise action has to be taken on you and where is your Commissioner what is his phone number and abused”. The alleged act *prima facie* constitutes an offence punishable under Section 353 IPC and there is no abuse of process of Court. I do not find any grounds to quash the proceedings in the Crime No.221 of 2011.

6. In the result, the Criminal Petition is dismissed and the interim order, dated 23.09.2011, granted in Crl.P.M.P.No.9621 of 2011 stands vacated.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

N.BALAYOGI, J

Date: 13th October, 2017

KL



341

HON'BLE SRI JUSTICE N.BALAYOGI**CRIMINAL PETITION No.8877 of 2011**Date: 13th October, 2017

KL