

HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

CRIMINAL PETITION No.12985 OF 2011

ORDER

This petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.82 of 2011 dated 22.10.2011 on the file of Ghattu Police Station, Mahabubnagar District for the offences under Sections 447, 427 and 506 IPC.

The petitioners are the accused.

The brief facts of the case are that, petitioners 1 to 3 are the sons of late Somanna @ Kesanna. The 4th petitioner is the son of 2nd petitioner and the 5th petitioner is the close relative of petitioners 1 to 4. Somanna @ Kesanna was a protected tenant of the land in Sy.No.277 for an extent of Acs.12.19 guntas in Ghattu Village and Mandal, Mahabubnagar. In view of the Government notification vide G.O.Ms.No.5, Revenue(G) dated 01.01.1973 issued under Section 38-E of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950, the ownership of the said land transferred in the name of Somanna @ Kesanna and he is deemed to be the owner of the said land with effect from 01.01.1973. The Revenue Divisional Officer (LR), Gadwal issued certificate of ownership in favour of said Somanna @ Kesanna vide file No.A2/328/1975. Somanna became absolute owner and possessor of the said land. The 2nd respondent is not allowing the protected tenants for doing agricultural operations peacefully. The 2nd respondent along with his son Nagappa and his daughter Uma Devi are continuously lodging complaints to the police on frivolous grounds. The Station House Officer, Ghattu Police Station registered more than ten crimes against the petitioners and other protected tenants and he is abusing his powers by registering the crimes. It is further stated

that 2nd respondent has lodged a complaint alleging that he is having Acs.3.13 guntas of land in Sy.No.272 in the limits of Ghattu Village. On 21.10.2011, A2 to A5 have trespassed into the agricultural land of the complainant and cut down the banyan tree in his land. At the time of cutting the tree, the complainant and his son were present and objected not to cut the tree, on that the accused warned him to kill. The value of the tree is worth Rs.5,000/-. On the said allegation, the police, Ghattu Police Station, registered complaint on 22.10.2011 against accused for the offences under Sections 447, 427 and 506 IPC. Aggrieved by the same, this criminal petition is filed to quash the said proceedings.

Heard learned counsel for the petitioners and the learned Public Prosecutor.

Learned counsel for the petitioners submits that the petitioners are the protected tenants and their rights have been declared as protected tenants. He further submits that respondent No.2 high-handedly lodged several complaints against them earlier by abusing his power and they have been closed. He also submits that the present complaint is a frivolous complaint and it is falsely filed against the petitioners. Hence, he seeks to quash the proceedings against the petitioners.

On the other hand, learned Public Prosecutor contended that the allegations in the complaint discloses that the accused committed the said offences and there is *prima facie* case against accused. Therefore, the question of quashing the proceedings does not arise.

On consideration of the arguments of learned counsel for the petitioners and on perusal of the material on record, it is obvious that the 2nd respondent had lodged a complaint against the petitioners and it was registered as F.I.R. No.82 of 2011 dated 22.10.2011.

On consideration of the arguments of both sides and on perusal of the record, it is obvious that except making the allegation that the Station House Officer, Ghattu Police Station registered more than ten crimes against the petitioners and other protected tenants by abusing his power and they have been closed as false, there is no material placed before this Court to come to the conclusion that the Station House Officer, Ghattu Police Station has abused his powers in registering the crimes against the petitioners.

A perusal of the complaint shows that the complainant has Acs.3.13 guntas of agricultural land in Sy.No.272 in the limits of Ghattu Village. On 21.10.2011, the accused have illegally trespassed into the agricultural land of complainant and cut down the banyan tree, which is valued at Rs.5,000/- and on seeing the same, when the complainant and his son Nagappa objected, the accused warned them to kill. Hence, there are *prima facie* allegations made against the accused.

In view of the facts and circumstances of the case, this Court cannot interfere to quash the proceedings in Crime No.82 of 2001, dated 22.10.2011 on the file of Ghattu Police Station, Mahabubnagar District, as the remedy under Section 482 Cr.P.C. is extraordinary remedy, which cannot be exercised when there is *prima facie* case against accused.

In the result, the Criminal Petition is dismissed.

The Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

GUDI SEVA SHYAM PRASAD,J

Date : 03.10.2017
ssp