

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No.6769 of 2011

ORDER:

This petition is filed seeking for quash of the charge sheet No.03, dated 09.03.2010 in FIR. No.805 of 2009 in C.C. No.332 of 2010 on the file of the XI Metropolitan Magistrate, Cyberabad, L.B.Nagar.

The alleged offences are under Sections 447, 427, and 506 of IPC.

When the matter was taken up for hearing on 14.12.2017, there was no representation for the petitioner. Hence, the matter was directed to be listed on 26.12.2017, under the caption for dismissal. Even today also, when the matter was listed under the caption for dismissal, there is no representation for the petitioner. Hence, this matter is taken up for final disposal on merits.

Heard the learned Public Prosecutor, who takes notice for the second respondent. None appears for the first respondent, in spite of notice.

A perusal of the complaint shows that the accused, along with others, have criminally trespassed into the plot of the complainant and damaged the compound wall. On receipt of the said information he rushed to the spot and tried to restrict them but the accused had stopped him and threatened with dire consequences. The statements of the witnesses were also recorded, by virtue of which, *prima faice*, it can be concluded that the petitioner/accused, along with others, trespassed into the land. The allegation would *prima facie*, constitute alleged offences against the petitioner, accused. Therefore, this Court is of the view that this is not a fit case for quashment of the proceedings and this petition is liable to be dismissed and accordingly, is dismissed.

Interim stay granted by this Court on 05.08.2011 in CrI.P.MP. No.6981 of 2011 shall stand vacated and the proceedings in charge sheet No.03, dated 09.03.2010 in FIR. No.805 of 2009 in C.C. No.332 of 2010 on the file of the XI Metropolitan Magistrate, Cyberabad, L.B.Nagar shall go on. As a sequel, miscellaneous applications, if any, shall stand vacated.

JUSTICE T.RAJANI

Date: 26.12.2017

LSK

