

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[*Special Original Jurisdiction*]

MONDAY THE THIRTEENTH DAY OF NOVEMBER
TWO THOUSAND AND SEVENTEEN

PRESENT
SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No. 2338 OF 2011

Between :

Manne Narsimulu & Ors. ... Petitioners/Accused

V/s.

The State of Andhra Pradesh
Represented by Station House Officer,
Marpally Police Station,
Ranga Reddy district,
Through Public Prosecutor,
High Court, Hyderabad & Ors. ... Respondents/complainant

Counsel for the Petitioners : Sri M. Damodar Reddy

Counsel for the Respondents: Public Prosecutor [TG]

The court made the following: [order follows]

SMT. JUSTICE T. RAJANICRIMINAL PETITION No. 2338 OF 2011ORDER :

This Criminal Petition is filed under section 482 of Cr.P.C., seeking to quash the proceedings in Crime No. 23 of 2011 of Marpally Police Station, Ranga Reddy district.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the first and second respondent. None appeared for the third respondent in spite of service of notice.

3. The counsel for the petitioners represents that the *de facto* complainant in this case is no more. But the death of the *de facto* complainant does not automatically terminate the criminal proceedings. However, a perusal of the complaint shows that the alleged offences are nevertheless prima facie evident. The counsel represents that *status quo* order was granted in favour of the petitioners in respect of the subject land, hence, possession cannot be said to be with the *de facto* complainant in this case.

4. The counsel relies on the contents of the counter of Sub-Collector, Vikharabad and contends that possession is with him. Thereafter, it is averred therein possession was found with the petitioners. But however, that does not confer any title.

5. The contents of the complaint would show that the petitioners have trespassed into the subject land and abused the *de facto* complainant in his caste name. At any rate, the offence under section 3 (1) (x) of *SC & ST [POA] Act, 1989* is made out and with regard to the other offences it is for the parties to lead evidence and then the trial court can come to a conclusion.

6. Hence, with the above observation, this Criminal Petition is disposed of.

7. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand disposed of.

JUSTICE T, RAJANI

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No. 2338 OF 2011



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