

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.2412 OF 2011

ORDER:

This Criminal Petition is filed seeking for quash of the proceedings against the petitioners, who are accused Nos.1 to 3, in C.C. No.440 of 2008 on the file of X Metropolitan Magistrate, Cyberabad at Malkajgiri, Ranga Reddy district.

2. Heard learned counsel for the petitioners and the learned Public Prosecutor appearing for the 2nd respondent-State. None appears for the 1st respondent in spite of service of notice.

3. The only ground on which the petitioners' counsel seeks to quash the proceedings is that the complainant, who is a G.P.A. Holder of the original owner of the disputed land, did not have the G.P.A. as on the date of filing of the complaint. Hence, the complaint cannot be maintained.

4. But, in the considered opinion of this Court, giving of G.P.A. and the cancellation of G.P.A. would involve question of fact which has to be gone into only at the time of trial.

With this observation, the Criminal Petition is disposed of. *Interim* stay granted by this Court on 18.03.2011 in CrI.P.M.P. No.2484 of 2011 shall stand vacated. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T.RAJANI, J

Date: 22.12.2017.
Dsh

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