

HON'BLE SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.2751 of 2011

ORDER:

This Criminal Petition is filed seeking to quash the proceedings in C.C.No.221 of 2006 on the file of Judicial Magistrate of First Class, Gajwel, Medak District.

Heard the learned counsel for the petitioner, learned Public Prosecutor (TG) takes notice for respondent No.1 and respondent No.2 does not appear despite service of notice.

Learned counsel for the petitioner contends that, from the contents of the charge sheet, it can be understood that the place of offence, which is a theatre, of which accused No.1 is the owner, is under the lock and key of the revenue authorities and, hence, question of the accused going and breaking up the lock and committing any offence against the complainant does not arise.

A perusal of the complaint shows that accused No.1 did not renew the licence of the theatre which was taken on lease by the complainant, due to which the revenue authorities locked the theatre and kept the keys with them. In the absence of complainant, the petitioner and his companions, A.2 to A.4, threatened the watchman and broke open the lock. So being the contents of the complaint, the charge sheet shows that the theatre was under the lock and key of the revenue authorities. Hence the grievance, if any, should be for the revenue authorities, whose order was violated by the accused. From the face of the complaint, it appears that the allegations made

against the accused are not true. The complainant suppresses the fact of seizure by revenue authorities. If that fact had been stated, no grievance could be made out for the complainant. The complainant cannot be held to be the custodian of the premises and breaking the lock of such premises cannot invoke any complaint from him. Hence, any further proceedings in the above C.C. would only result in abuse of process of law.

The proceedings in C.C.No.221 of 2006 on the file of Judicial Magistrate of First Class, Gajwel, Medak District, are hereby quashed

The Criminal Petition is, accordingly, allowed.

Miscellaneous Petitions pending, if any, shall also stand disposed of.

Date: 30.10.2017
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T.RAJANI, J

