

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2339 of 2011

ORDER:

This criminal petition is filed by the petitioners seeking for quash of the proceedings in Cr.No.48 of 2010 on the file of the Ananthasagaram Police Station, SPSR Nellore District.

2. Heard learned counsel for the petitioners and learned Public Prosecutor, who took notice for respondents.

3. The counsel for petitioners takes this Court through the contents of the complaint and makes an effort to impress upon the Court that the complaint is self-contradictory. Relying on the first part, learned counsel submits that the contention of the complainant therein that the survey of the land is completed contradicts the second portion of the complaint, wherein it is mentioned that the petitioners obstructed them while survey was being conducted.

4. The aforesaid submission can be brushed aside as a misconception, because survey of land does not end by mere taking measurements of a land, but several aspects are involved in a survey. Hence, the said contention is found as not merited.

5. The counsel for petitioners further submits that the petitioners are poor farmers and they have lands adjoining the disputed land.

6. The aforesaid fact cannot be a ground for the petitioners to enter into a disputed land and obstruct the survey that was taken up by the Tahsildar. Hence, this is a case, which does not fall for consideration under Section 482 of the Code of Criminal Procedure,

1973, as there are no special circumstances calling for invocation of powers under Section 482 Cr.P.C. However, the police are directed to follow the directions in ARNESH KUMAR v. STATE OF BIHAR¹.

With the above observation, the criminal petition is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November 8, 2017
DSK

T. RAJANI, J



¹ (2014) 8 SCC 273