

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.13101 of 2011

ORDER:

This criminal petition is filed seeking for quash of the proceedings in C.C.No.113 of 2010 on the file of the Judicial First Class Magistrate, Parchur, Prakasam District.

Heard learned counsel for the petitioner and learned Public Prosecutor for the 1st respondent.

Averments of the complaint are that this accused is one of Supervisors for the work that was taken by the Progressive Constructions Limited as per RC.No.48/81 of 1964 and as per the settlement Register of Karamchedu village, Muslim burial ground is situated in Sy.No.553/3 in an extent of Ac.1-41 cents, while PWD channel is situated in Sy.No.553/04 in an extent of Ac.0.50 cents. Irrigation Department had taken up the work of renovation for Kommamuru canal and its branch canals. The work was entrusted to M/s.Progressive Constructions Limited, Hyderabad by EPC system by the Irrigation Department. While executing the work, the allegation is that the accused, along with others, have removed the fence stones and 12 neems on the Southern side of muslim burial ground, which is situated on the Northern side of irrigation channel, near Ambedkar Colony, Karamchedu. Further, it is also alleged that they have demolished old two tombs situated in the burial ground and thereby encroached the site, which hurt the feelings of people of muslim community and their sentiments.

From the allegations, it appears that during the execution of the work, entrusted to Progressive Constructions Limited, the petitioner, along with others, have committed the said acts, which may not be considered as having been done with an intention to hurt the feelings of the muslim community. The said finding gets support from the fact that

A-1 to A-4 have agreed to construct a permanent wall on the Southern side of burial ground but failed to do so. The said failure can only amount to breach of promise and it cannot attract any offence. The breach of promise and the acts of the accused, done without any intention, cannot be said to be attracting the alleged offence. In view of the above, this petition is allowed and the proceedings against this petitioner are quashed.

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

T. RAJANI, J

Date: 26.12.2017
LSK

