

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.6515 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioner in CC.No.1057 of 2010 on the file of the IX Metropolitan Magistrate at Kukatpally, Miyapur.

2. Heard the counsel for the petitioner and the Public prosecutor appearing for the 1<sup>st</sup> respondent. None appears for the 2<sup>nd</sup> respondent in spite of notice.

3. The allegations in the complaint, filed by the complainant, are that he purchased Ac.2-00 of land in Serilingampally Mandal, Sy.No.41/1 in the year 1988 from Md. Ishaq and his brothers and got it registered in his name. Though he obtained possession of the land, since few days, Md. Ishaq and his son, the petitioner herein are trying to encroach into their land with the help of some anti-social elements and trying to disturb the peaceful possession of their property.

4. A bare reading of the allegations in the complaint itself would suffice to say that this is a fit case for quash of proceedings against the petitioner. Mere efforts on the part of the petitioner to encroach into the land can not become a basis for initiation of the criminal proceedings. Hence, this Court opines that continuation of proceedings against the petitioner would absolutely be an abuse of process of law.

5. With the above observations, the Criminal Petition is allowed and the proceedings in CC.No.1057 of 2010 on the file of the IX Metropolitan Magistrate at Kukatpally, Miyapur, shall stand quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

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T. RAJANI, J

December 14, 2017  
LMV

