

HON'BLE SRI JUSTICE T. AMARNATH GOUD

CRIMINAL PETITION No.7010 of 2011

ORDER:

Heard Ms.P.Srilatha, learned counsel representing Sri P.Nagendra Reddy, learned counsel for the petitioners.

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings against the petitioners in Cr.No.32 of 2011 on the file of Kolimigundla Police Station, Kurnool District, registered for the offences under Sections 464, 506 IPC and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The 1st respondent is the de-facto complainant and petitioners are accused Nos.1 and 2 in the aforesaid crime. The case of the complainant is that the accused, making an attempt to dispossess them from their house, have abused them by taking the name of their caste and, thus, the case is registered. The case of the petitioners/accused is that the husband of the de-facto complainant has sold the land to an extent of Ac.0.20 cents in favour of the 1st petitioner and in turn the 1st petitioner executed registered gift deed in favour of the 2nd petitioner in the year 2007 itself and the said land is kept in use by the petitioners/accused. The case is at the stage of investigation and in view of interim stay granted by this Court vide CrI.P.M.P.No.7254 of 2011 on 16.08.2011, investigation is stalled.

Notice has been served upon respondent No.1. However, there is no representation.

In that view of the matter, this criminal petition is disposed of, directing the prosecution to proceed with the investigation in the light of Section 41-A Cr.P.C. Opportunity may be given to both parties

and both parties are at liberty to produce the documents to the investigating officer in support of their respective claims. Till investigation is completed and charge sheet is filed, petitioners shall not be arrested. The parties shall cooperate with the investigation.

As a sequel, miscellaneous petitions if any pending stand closed.

T. AMARNATH GOUD, J

October 13, 2017
MRR

