

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7960 of 2017

ORDER:

Heard learned counsel for the petitioners 1 to 10 among 16 accused, who are some of the accused of crime No.380 of 2013 of Pendurthy Police Station, Visakhapatnam, registered for the offences punishable under Sections 447, 427, 468, 471 & 120-B IPC and Sections 4 & 5 of A.P. Land Grabbing Act and Section 3(iv)(v)(x) of SC & ST (POA) Act and perused the grounds urged in the quash petition and the contents of the FIR dated 19.09.2013 which speaks about the land was alienated by the ancestors of some of the petitioners/accused way back to Jana Chaitanya Housing Private Limited and further speaks there is tampering of revenue records or obtaining of pattas without their knowledge by the ancestors of the petitioners and the defacto complainant filed in Inam Court a case and there was an order dated 17.07.2010 to grant ryotwari patta in their favour saying that was not even granted as Jana Chaitanya people also filed case against them in 2012 before RDO and it was disposed of in their favour and saying while so on 01.09.2013 at about 10 PM the boards planted and fence raised of the land was removed, he did not even mentioned who are the persons that removed or trespassed. Even the very say of the learned counsel for the petitioners that there is neither trespass nor mischief and the patta is granted in favour of Dittakavi Suryanarayana in the year 1958 and they alienated way back in 1996 to Jana Chaitanya Housing Private Limited. It is also the contention that there are no offences of forgery or using the forged document as genuine, leave about the same taken place

prior to 1996 to register the crime on so called report in 2013 and there is no offence much less in public view to insult any person to mention SC or ST to attract Section 3(iv)(v)(x) of the Act.

Having regard to the above, as it is long pending investigation, the Criminal Petition is disposed of while directing the police not to arrest the petitioners and complete the investigation within two (02) months from the date of receipt of a copy of this order and file proof. Needless to say the defence of the accused is left open.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 21.09.2017
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