

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.2808 of 2010

ORDER :

Heard the learned counsel for the petitioner/ accused of C.C.No.1485 of 2009 on the file of IV Addl.Chief Metropolitan Magistrate, Vijayawada, wherein the learned Magistrate taken cognizance on the police final report for the offences punishable U/ Secs.341, 353 & 506 r/w.34 IPC and also the learned Public Prosecutor representing the respondents-State and perused the grounds urged in the quash petition.

The contentions in the petition are that the petitioner filed WP.No.29161 of 2008 and obtained interim order in WPMP.No. 38100 of 2008 against the APTRANSCO., represented by Managing Director of Vidyuth Soudha, Erramanzil, Hyderabad, The Chief Engineer, the Superintending Engineer and the District Collector, Krishna District (The respondents therein) and the writ petition filed was to direct the respondents not to proceed further for erection of the poles for laying 400 KV double circuit lines through the property subject matter of the writ petition by the villagers of Payampadu and Guntupalli village of Krishna district and the interim order passed by this court another bench on 31-12-2008 was directing the respondents not to erect poles as stated supra without following due process of law.

The report of the defacto-complainant in registering crime on 13-2-2009 which is more than 42 days after the interim order of the High Court against the respondents therein was that while

laying of the 400 KV circuit electrical lines by APTRANSCO., at Guntupalli-Rayampadu Road in the fields of Sy.No.207 in spite of Court orders, Ch.Venugopal Rao-the petitioner herein and others obstructed and stopped the work.

There is nothing to show that the petitioner and others caused wrongful restraint by intentionally obstructing the public servant in discharge of duty and also criminal intimidation without any *bona fides* or without any order of the Court in favour of the petitioner/ accused directing the respondents not to interfere with the fields and not to lay electrical lines supra through their fields but only in exercise of their right of defence as there is order of the Court, they obstructed. Hence continuation of the proceedings in the Calander Case supra is nothing but abuse of process.

In the result, the Criminal Petition is allowed by quashing the proceedings in C.C.No.1485 of 2009 on the file of learned IV Additional Chief Metropolitan Magistrate, Vijayawada so far as the petitioner/ accused herein concerned. He is acquitted and his bail bonds shall stand cancelled. Consequently, pending miscellaneous petitions, if any, shall stand closed.

Date:31.08.2017  
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Dr. B.SIVA SANKARA RAO J,