

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.6086 of 2013

ORDER:

This petition is filed seeking for quash of the proceedings in CC.No.201 of 2012 on the file of the Additional Judicial First Class Magistrate, Kovur, Nellore District. The offence alleged is under Section 420 of the Indian Penal Code, 1860.

2. Heard the counsel for the petitioner and the learned Public Prosecutor, who takes notice for the first respondent. None appears for the second respondent.

3. The counsel for the petitioners contends that the wife of the first petitioner is the original owner of the land, in which the disputed plots fall and that plots 15 to 18 were sold to one Narsaiah 09.07.1997 and that he was interfering with the possession of other plot owners, who filed a suit in OS.No.76 of 2009 and obtained injunction by virtue of orders in IA.No.467 of 2009 and later the said Narsaiah sold the plots to one Malathi, who is no other than the wife of the complainant, in the year 2009 and while she was also continuing the same behaviour, the wife of the petitioner filed a suit in OS.No.29 of 2012 and obtained injunction on 14.02.2012 in IA.No.113 of 2012 and this complaint is filed only keeping the above suits in view.

4. However, a perusal of the complaint would show that there are allegations constituting alleged offences *prima facie*. The allegation is that the complainant made some constructions in their site and that the petitioners herein came and dismantled the said wall and that they

also attacked them with knives. The charge sheet is also laid against all the petitioners. Hence, the contention with regard to the construction being in the land of the petitioners has to be gone into at the time of trial, as *prima facie* allegations are to the effect that the constructions made in the land of the complainant were dismantled.

Hence, with the above observations, the criminal petition is dismissed. However, at the request of the counsel for the petitioners, the Court below is directed to consider and dispose of the matter, as expeditiously as possible, preferably within a period of six (6) months from the date of receipt of a copy of this order, subject to pressure of other work. The interim stay, granted earlier in CRLP.No.6086 of 2013 dated 27.06.2013, shall stand vacated. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 15, 2017
DSK

T. RAJANI, J