

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.5782 of 2011

ORDER:

The criminal petition is filed for quash of the proceedings in CC.No.223 of 2011 on the file of the VI Metropolitan Magistrate, Cyberabad at Medchal, Ranga Reddy District.

2. Heard the counsel for the petitioners and the learned Public Prosecutor appearing on behalf of the first respondent. None appears for respondents 2 and 3 in spite of notice.

3. A perusal of the complaint would show that there are civil disputes between the parties with regard to the partition that was sought to be affected by the complainant. The allegations are that the accused did not affect partition and beat the complainant. The complainant also avers that complainant was lodged with the police on 24.11.2010 and no action was taken. Hence, the private complaint was filed. It is stated in the complaint that there was a case filed by the complainant on the file of the Principal Senior Civil Judge, Ranga Reddy District in O.S.No.236 of 2004 and the case is coming up for trial; the accused persons dismantled the suit schedule property, in spite of the pendency of the suit and the allegation is that the said acts of the accused constitute disregard of the Court proceedings by taking the law into their hands.

4. But in the considered opinion of this Court none of the allegations in the complaint constitute the alleged offence. If there is any violation of the orders passed by the court, the complainant is at

liberty to seek appropriate remedy before the concerned Court, where the suit is filed. The allegation that the accused beat the complaint is as vague as vagueness can be and it has to be considered that the same is mentioned in order to somehow bring the petitioners within the purview of the criminal law. Hence, with the above observations, this Court opines that continuation of further proceedings would be sheer abuse of process of law.

The criminal petition is allowed and further proceedings in CC.No.223 of the 2011 on the file of the VI Metropolitan Magistrate, Cyberabad at Medchal, Ranga Reddy District, against the petitioners, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 21, 2017
DSK



T. RAJANI, J