

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.4547 of 2011

ORDER:

The criminal petition is filed for quash of the proceedings in Cr.No.92 of 2011 on the file of the Station House Officer, Vinukonda Police Station, Guntur District. The offences alleged are under Sections 120-B, 436, 452 read with Section 34 of the Indian Penal Code, 1869 and Section 27 of the Arms Act and Section 156(3) of the Criminal Procedure Code.

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

3. A3, who is the distant relative of the complainant, with the association of A1 and A3 tried to dispossess the complainant from the property, by taking advantage of his old age. The complaint approached the Junior Civil Judge's Court, Vinukonda and filed a suit for grant of permanent injunction, wherein notices were issued in IA.No.8 of 2011, which was filed for permanent injunction. All the accused conspired together with deadly weapons and with evil intention criminally trespassed into his house.

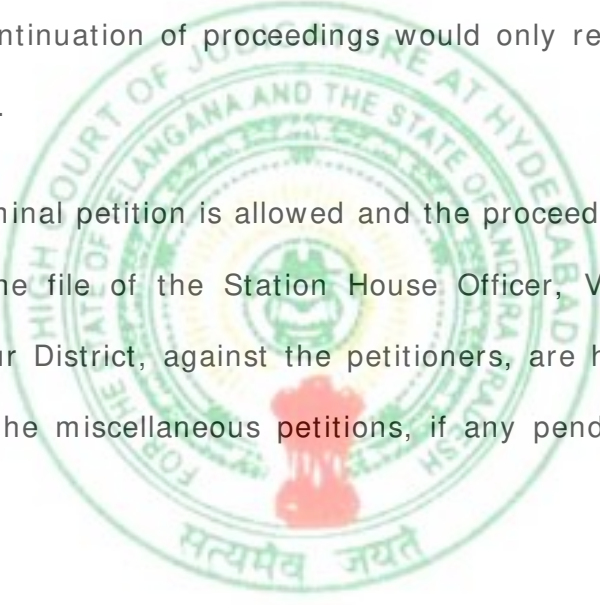
4. The counsel for the petitioners draws the attention of this Court to the order passed by the Junior Civil Judge in IA.No.8 of 2011 in OS.No.2 of 2011 with specific observation that the complainant herein is not in possession of the suit schedule property and the alienation, which was made by the complainant was held as not being considered

for any decision. It was also observed that it was a vacant site, hence, the principle that possession follows title applies. The counsel for the petitioners also contends that the land passed into the hands of four vendees before it, allegedly, came to the petitioners. The Court below, in the above order, also observed that except the stage-managed duplicate patta, there is no material available on record to prove that the complainant was in possession.

5. Hence, in the light of the said fact, the present complaint has to be considered only, as filed to work out her remedies by posing a threat of criminal proceedings to the petitioners herein. Hence, the continuation of proceedings would only result in abuse of process of law.

The criminal petition is allowed and the proceedings in Cr.No.92 of 2011 on the file of the Station House Officer, Vinukonda Police Station, Guntur District, against the petitioners, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 26, 2017  
DSK

T. RAJANI, J