

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1452 OF 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners, who are arraigned as Accused Nos.1 and 3, respectively, requesting to quash First Information Report No.25 of 2017 of Koyyalagudem Police Station, West Godavari District, registered for the offences punishable under Sections 447, 427 and 506 read with Section 34 of Indian Penal Code.

Heard Sri M.Suryanarayana, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Andhra Pradesh on behalf of respondent No.1.

The main submission of learned counsel for the petitioners is that since the petitioners are the owners of the disputed property, they have been in possession of the same, and even this Court in W.P.No.44736 of 2016 granted *status quo* on 21.12.2016 and the *de facto* complainant/respondent No.2, with a mala fide intention and without relevant details in the complaint, falsely implicated the petitioners.

In the complaint, the *de facto* complainant would claim that he took the land to an extent of Ac.10.30 cents from one Ramulamma, who died in the year 2015, on lease and the lease period exists till

2020. It is further alleged that on 07.01.2017, when the *de facto* complainant was in his fields, the petitioners herein unauthorisedly trespassed into his fields and broken the pipeline and taken it away, due to which the crops dried up. It is also alleged that one Sai, who is the son of one Chinnamshetti Nageshwar Rao, threatened to kill the *de facto* complainant if he enters into the said fields.

It is no doubt true, there is some civil dispute in regard to the property in which the *de facto* complaint is raising crops, it is also no doubt true, there is no reference to lease deed and no reference to R.S number in the complaint, as contended by learned counsel for the petitioners, but, these are the facts which are to be verified during the course of investigation.

In the order, dated 21.12.2016, in W.P.No.44736 of 2016, this Court, while granting *status quo*, recorded that the Tahsildar – 3rd respondent therein made an endorsement dated 21.07.2016 that no pattadar passbooks were issued in respect of the lands, which is the subject property in the writ petition, and no mutation was done in the name of any person in respect of the said lands due to pendency of cases. In these circumstances, it is difficult to view at this stage that proceeding with the investigation would amount to abuse of process of law and, as such, there is no merit in the present petition.

Accordingly, the Criminal Petition is dismissed at the stage of admission itself, leaving it open to the petitioners to place relevant

material before the Investigating Officer during the course of investigation.

Miscellaneous applications, if any pending in this criminal petition, stand closed.

A. SHANKAR NARAYANA, J

23rd February, 2017
v v

