

THE HON'BLE SRI JUSTICE P.KESHAHA RAO

CRIMINAL PETITION NO.1220 OF 2011

ORDER:

Heard the learned counsel for the petitioners, learned Public Prosecutor (TG) and learned counsel for the respondent No.2.

The present Criminal Petition is filed by the petitioners to quash the proceedings initiated against them in CC.No.269 of 2010 for the offences under sections 447, 120-B and 506 IPC on the file of the Court of III. Additional Metropolitan Magistrate, Cyberabad at Kukatpally.

The facts of the case are that originally, the 2nd respondent herein filed a complaint on 8.4.2010 before the Station House Officer, Medipally Police Station, Uppal, Rangareddy district stating that he is the General Power of Attorney (GPA) Holder of his wife and daughter who are the joint owners of Plot Nos.11, 12, 13 and 14 of Survey No.33/12, admeasuring 266.6 sq.yards each situated at Saptagiri Colony, Chengicherla village, Ghatkesar Mandal, Rangareddy district. The petitioners herein who have nothing to do with the said plots, tried to interfere with the peaceful possession and enjoyment of the 2nd respondent who is the GPA holder, on 25.6.2009, resulting in filing of a suit in OS.No.1142 of 2008 on

the file of the Principal Senior Civil Judge, Ranga Reddy district, which was decreed on 28.8.2009 in favour of the 2nd respondent herein. Again on 6.4.2010, when the 2nd respondent went to the plots in question along with labour for construction of a compound wall and labour shed in the plots, the petitioners, their employees Kannan and Vijay Kumar along with ten others came to the site and threatened him and the labour who were working and directed them to stop the construction. They have also threatened the 2nd respondent herein and the labour with dire consequences stating that they should not visit the site and should not take up any construction work.

Basing on the said complaint, a crime has been registered vide FIR.No.65 of 2010 for the offences under sections 120-B, 447 and 506 IPC. After investigation, the Sub-Inspector of Police, Medipally P.S., Cyberabad, filed a charge-sheet on 27.5.2010 for the offences under sections 120-B, 447 and 506 IPC. A perusal of the said charge-sheet would indicate that the petitioners, without there being any right or interest, tried to interfere with the possession and enjoyment of the 2nd respondent over the subject plots on 6.4.2010 and obstructed construction of a compound wall. The Court below has taken cognizance of the same and numbered the matter as

CC.No.269 of 2010. Aggrieved by the same, the present criminal petition is filed.

Learned counsel for the petitioners would contend that the petitioners have not committed any offence much less the offences alleged against them. He would also contend that if really the petitioners have interfered with the peaceful possession and enjoyment of the 2nd respondent on 6.4.2010, the 2nd respondent ought to have executed the decree passed in his favour in OS.No.1142 of 2008, but he cannot file a complaint. He also submits that there was no intention on the part of the petitioners to trespass into the subject plots thereby intimidating the 2nd respondent to stop the construction work.

Per contra, learned counsel for the 2nd respondent would submit that the 2nd respondent is the GPA holder representing his wife and daughter, who are the absolute owners of the subject plots. At the earliest point of time, when the petitioners tried to interfere with the peaceful possession and enjoyment of the subject plots, they have filed a suit in O.S.1142 of 2008 and the same was decreed on 28.8.2009. In spite of a decree passed against them, the petitioners, with an intention to encroach and occupy the schedule property, on 6.4.2010 attempted to encroach upon and threatened the 2nd respondent

and the labour engaged by him for construction of a compound wall and a labour shed.

On perusal of the contents of the charge sheet and the material enclosed thereto and after hearing the arguments advanced by both the counsel, this Court is of the opinion that a prima facie case is made out with regard to trespass and the interference into the peaceful possession and enjoyment of the 2nd respondent over the subject property high-handedly by criminal intimidation. That being so, this Court opines that it is not a fit case to quash the proceedings at this stage and there are no merits in the criminal petition.

Accordingly, criminal petition is dismissed. However, since CC.No.269 of 2010 is of the year 2010, the Court below is directed to expedite the trial of the matter and dispose of the same within a period of four months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

KESHAVA RAO,J

Date:18.12.2017

KPM