

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL PETITION No. 7984 of 2011

ORDER:

Heard the learned counsel for the petitioner as well as the respondents.

2. The present criminal petition is filed by the petitioner/A-1 to quash the proceedings initiated against him in Crime No.320 of 2011 of Police Station, Medipally, Cyberabad registered for the offences under Sections 447, 427 IPC and Sections 3 & 4 of the A.P. Land Grabbing Act.

3. The brief facts of the case are that the 2nd respondent-Tahsildar, Gatkesar, Ranga Reddy District filed complaint dated 12.08.2011 before the Station House Officer, Medipally Police Station, Cyberabad stating that the Village Revenue Officer, Boduppal village and Assistant Mandal Revenue Inspector, Gatkesar Mandal have submitted reports dated 06.08.2011 and 09.08.2011 respectively stating that one M.Sinivas has encroached the Government land resumed under POT Act in violation of assignment in Sy.No.63 of Boduppal village by constructing compound wall and a small temporary room and the same were demolished. It was further reported that one Venkat Rao has started house construction in the same Government land by erecting pillars

and therefore, requested to take necessary action against the said persons.

Pursuant to the said complaint, the Station House Officer, Medipally registered a case vide Crime No.320 of 2011 for the offences as mentioned supra. Aggrieved by registration of the said crime, the present criminal petition is filed to quash the proceedings initiated against him.

4. Learned counsel appearing for the petitioner would contend that the petitioner is the absolute owner of property bearing H.No.6-76/1 on Plot No.376 in Sy.Nos.97 and 98 admeasuring 470 square yards situated at Marriguda village and Gram Panchayat, Uppal Mandal, Ranga Reddy District having purchased the same under a registered sale deed bearing document No.2050/2011 dated 09.08.2011. He also would contend that the vendor of the petitioner in turn purchased the said property under a registered sale deed bearing document No.2671/1986 dated 22.04.1986. Therefore, basing on the said two documents, the learned counsel for the petitioner submitted that the petitioner is the absolute owner and it is not the government property. Therefore, the proceedings initiated against the petitioner in the subject crime have to be quashed.

5. Per contra, the learned counsel for the respondents would submit that the Village Revenue Officer, Boduppal village and the Assistant Mandal Revenue Inspector, Gatkesar in their reports have stated that the petitioner has encroached into the government land resumed under POT Act in violation of assignment in Sy.No.63 of Boduppal village by constructing compound wall which was already demolished, apart from construction of a house by one Venkat Rao.

6. A perusal of the complaint as well as the averments made in the petition would indicate that there is a title dispute as to whether the subject property is a government land or a private property. Be that as it may, this Court while exercising jurisdiction under Section 482 Cr.P.C. cannot go into the aspect of title dispute, more so, when the crime is at the investigation stage. At this stage, this Court is not inclined to interfere and quash the proceedings. Therefore, this Court feels that there are no merits in the petition and it is liable to be dismissed.

7. Accordingly, the criminal petition is dismissed. However, if the presence of the petitioner is required during the course of investigation, the investigating officer is directed to follow the procedure contemplated under Section 41-A of Cr.P.C. as per law. The aspect as to whether the subject property is a government land or a private property will be ascertained only

after surveying the land or by way of declaration from the competent civil Court.

Interim order, if any, stands vacated.

The miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

JUSTICE P. KESHA VA RAO

Date:28.12.2017
ccm



THE HONOURABLE SRI JUSTICE P. KESHA VA RAO



CRIMINAL PETITION No.7984 of 2011

Date:28.12.2017

ccm