

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.10561 OF 2017

ORDER:

This criminal petition is filed under Section 482 Cr.P.C to quash the proceedings in C.C.No.400 of 2016 pending on the file of VI Additional Chief Metropolitan Magistrate at Nampally, for the offences punishable under Section 341 & 506 IPC.

The defacto complainant/second respondent lodged a report with the police on 24.04.2016 alleging that he is the owner and peaceful possessor of property bearing municipal No.9-1-315/5/15/1, admeasuring 133 sq.yards situated at harijan Basthi, Haridaspura, Langer House, Hyderabad, acquired the same through registered gift settlement deed bearing No.2206/2001 dated 28.08.2001. Further, the second petitioner/A-2 and others sold the entire land in Sy.No.153 to one K. Buchi Reddy under lawful sale transaction, executed registered documents in favour of K. Buchi Reddy; A-2 converted the entire land in Sy.No.153 into housing plots and sold to different persons. Thereupon, the vendors of the defacto complainant purchased the above said property from K. Buchi Reddy and sold the same to the defacto complainant and thereafter, the defacto complainant was in peaceful possession and enjoyment over the said property. It is the case that the petitioners herein/A-1 to A-4 belong to SC/ST community, interfered with the construction work without any manner of right and threatened to file SC/ST cases against the defacto complainant, if he fails to fulfil their demands. Further, the

petitioners herein/A-1 to A-4 are regularly abusing the second respondent/defacto complainant and his family members in filthy language and threatening to see his end, in case he fails to fulfil their demands.

Based on the above complaint, the police registered a crime and issued F.I.R in Crime No.150 of 2016 on 24.04.2016. After completion of investigation, filed charge sheet before the Court below and the investigation done by the police disclosed that these petitioners committed serious offences punishable under Sections 341 & 506 IPC. The specific allegation made in the complaint would show that the petitioners threatened to see the end of the second respondent, in case he failed to fulfil their demands and also interfered with the construction work undertaken by the second respondent. These allegations, if taken on their face value, would constitute offences punishable under Sections 341 & 506 IPC.

It is the contention of the learned counsel for the petitioner that civil litigation is pending, in view of the rival claim, the civil proceedings are converted into criminal, the criminal proceedings are liable to be quashed.

No doubt, sometimes the act committed by the petitioners herein/A-1 to A-4 may give rise to a civil wrong or criminal offence and it is for the person who complained about the violation of right either to proceed under criminal law or civil law, or under both to redress his claim. Merely because, it would also attract a civil wrong, the proceedings cannot be quashed. Therefore, at this stage, I find no ground to quash the proceedings in C.C.No.400 of

2016 pending on the file of VI Additional Chief Metropolitan Magistrate at Nampally.

Learned counsel for the petitioner requested to pass an order dispensing with the appearance of the petitioners herein, before the Court below.

But, this Court cannot exercise power under Section 205 Cr.P.C, while deciding an application under Section 482 Cr.P.C. However, it is left open to the petitioners to file appropriate application under Section 205 Cr.P.C or under Rule 37 of Criminal Rules of Practice and Circular Orders of Andhra Pradesh, and on filing such application, the VI Additional Chief Metropolitan Magistrate at Nampally, shall dispose of such application, in accordance with law.

With the above observation, the criminal petition is dismissed.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:14.11.2017

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