

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.8401 OF 2011

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the Petitioners/A-1 to A-5 seeking to quash the proceedings in C.C. No.638 of 2011 on the file of the Court of III Metropolitan Magistrate, Cyberabad at L.B. Nagar, registered for the offences punishable under Sections 447 and 427 of I.P.C.

2. Heard learned counsel for the petitioners and learned Public Prosecutor, appearing for the 1st respondent – State. None appears for the 2nd respondent – *de-facto* complainant, in spite of service of notice.

3. As per the complaint, complainant purchased the land from L.W.5 Totakura Bikchalu @ Bixapathi, who is the General Power of Attorney Holder of the father of the petitioners 1 to 3, and other petitioners herein, and was given power to make layout of land into plots and sell them. These petitioners requested L.W.5 to execute a sale deed with the help of the said G.P.A. and sale deeds were executed in favour of the **respective** purchasers of those plots; some of the purchasers have constructed houses in their plots and some have to construct the houses. While things stood thus, the petitioners herein, claiming that they have not sold the land to any one, criminally trespassed into the lands.

4. Learned counsel for the petitioners submits that there is a civil suit filed by the complainant, which is still pending.

5. But, the contents of the complaint would show that the petitioners have trespassed into the land. There is absolutely no material brought forth to belie the sale deed executed by L.W.5 in respect of the complainant. The contention that the names of the petitioners are shown in the revenue record would not help the petitioners, unless the matter is adjudicated. Hence, this Court opines that nature of the allegations do not permit this Court to quash the proceedings against the petitioners, at this stage.

6 In view of the above, the Criminal Petition is dismissed.

7. As a sequel, miscellaneous petitions if any, pending in this Petition shall stand dismissed.

T. RAJANI, J

Date: 18.09.2018.
Dsh



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