

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1724 OF 2018

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. to quash the proceedings in C.C.No.392 of 2016 on the file of the Judl. Magistrate of I Class, Bapatla, Guntur District, which was taken cognizance of the offence punishable under Section 506 IPC.

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner-accused has taken the land of the de facto complainant on lease. Without any justifiable cause, a false case is foisted against the petitioner. As per the F.I.R., there are no witnesses to the alleged incident. Later, family members of the de facto complainant and two other persons are made as witnesses to the alleged offence and ultimately, prayed to allow the petition.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought for by the petitioner in the petition.

5. The point for determination is whether the proceedings can be quashed as prayed for?

6. As per the material placed on record, on 25.05.2016 at 5.00 P.M., when the petitioner-accused was going to his land, the de facto complainant said to have gone and demanded the petitioner as to why he was trying to sell his land, which was taken from the de facto

complainant on a yearly lease of Rs.3,000/-. Upon that, it is alleged that the petitioner abused the de facto complainant and threatened him. As per the prosecution case, L.Ws. 2 to 5 supported the case of the prosecution. There are certain factual aspects. Those can be answered only after recording the evidence. Whether the allegations are true or otherwise can only be determined after completion of trial. Therefore, it is not appropriate to quash the proceedings.

7. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DATED: 15-02-2018.
Hsd

DR.SHAMEEM AKTHER, J

