

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No.8576 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in C.C.No.141 of 2011 on the file of Judicial Magistrate of First Class, Mahabubabad, registered for the offences under Sections 143, 447, 420 read with Section 149 IPC and under Section 7 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, against the petitioner/A5.

2. Heard learned counsel for petitioner/A5 and learned Public Prosecutor for the first respondent. None appears for the second respondent in spite of service of notice.

3. Learned counsel for the petitioner submits that the petitioner is unnecessarily roped in as a person assisting A1, though he is no way concerned with the alleged acts committed by A1. He draws the attention of this Court to the contents of the charge sheet, wherein omnibus allegations were made, that A1 to A9 are the associates and residents of different villages and that no specific allegation is made against the petitioner, while making specific allegations against some of the accused i.e., A2, A7 and A8, who are stated to be the witnesses of the sale agreement executed by A1 in respect of the Government land, which is alleged to be sold illegally and A6 is said to be a document writer. The counsel for the petitioner also submits that the name of petitioner was wrongly mentioned in the charge sheet as Naini Venkat Reddy in stead of Nelakurthi Venkat

Reddy as mentioned in the sale deed in respect of the disputed lands. He also produced a copy of the sale deed.

4. Learned Public Prosecutor, on instructions, filed a memo along with a copy of sale deed stating that the subject lands were sold by one Nelakurthi Venkat Reddy, but not the petitioner herein.

5. In view of the above, this Court finds that there is absolutely no material against the petitioner/A5 as per the allegations made in the charge sheet. Hence, this Court opines that continuation of proceedings against the petitioner would only be an abuse of process of law and the proceedings are liable to be quashed.

6. Accordingly, the Criminal Petition is allowed, quashing the proceedings in C.C.No.141 of 2011 on the file of the Judicial Magistrate of First Class, Mahabubabad, against the petitioner/A5. Miscellaneous applications, if any, pending in this criminal petition shall stand closed.

T. RAJANI, J

10th September, 2018.

sj