

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.2108 OF 2018

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. to quash the proceedings in Cr.No.14 of 2018 on the file of the Station House Officer, Moinabad Police Station, Cyberabad District, which was registered for the offences punishable under Sections 448, 427, 506 and 509 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 de facto complainant raised construction in the Gram Panchayat land and the Gram Panchayat demolished the said construction. The complaint was made with a delay of two months. All the allegations in the report are absolutely false. The petitioner-accused has nothing to do with the allegations made in the F.I.R. 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 material placed on record reveals that the de facto complainant purchased 322 square yards of house plot in the year 2012 and constructed compound wall around the said plot. The de facto complainant also raised certain structures in the above plot. The de facto complainant obtained injunction order in O.S.No.91 of 2017 one day prior to the lodging of report with the police. The petitioner along

with other accused alleged to have trespassed into the plot belonging to the de facto complainant and threatened the inmates of the house. Further, they threatened the de facto complainant that they would implicate him in SC, ST criminal case. Thereafter, they demolished the walls of the rooms. The inmates, who obstructed were also abused and threatened by the petitioner and other accused. A panchayat was held in the presence of village elders, wherein the petitioner has demanded some amount. The petitioner stated that if the amount is paid, he will not interfere with the possession of the de facto complainant over the above plot. He also threatened the de facto complainant that in the event of his failure to pay the amount, he will occupy the said plot. There are specific and grave allegations against the petitioner. Merely because, Gram Panchayat issued notice to the de facto complainant, it cannot be presumed that the Gram Panchayat officials demolished the subject constructions belonging to the de facto complainant. The allegations do require investigation. Therefore, the petition is devoid of merit and is liable to be dismissed.

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

DR.SHAMEEM AKTHER, J

DATED: 21-02-2018.

Hsd