

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION Nos.3358 & 3218 of 2018

COMMON ORDER:

Heard learned counsel for petitioner.

The Criminal Petition Nos. 3358 & 3218/2018 are filed under Section 482 Cr.P.C by the petitioner/accused seeking to quash the proceedings against him in CC No. 799 of 2017 and 800/2017 on the file of Judicial First Class Magistrate, Peddapalli, in which the petitioner is accused, who allegedly committed offences under Sections 447 and 506 IPC in CC No. 799/2017 and offences under Sections 447, 506 & 332 IPC in CC No. 800 of 2017.

It is the submission of the learned counsel for petitioner that the petitioner has already obtained interim injunction on 30.06.2017 in I.A.No. 215 of 2017 in O.S.No. 40 of 2017, on the file of Junior Civil Judge, Peddapalli, in respect of the land covered by Sy.No. 613 admeasuring Ac. 0.06 gts, i.e., 726 square yards, and while the said interim injunction is in force, the second respondent/complainant gave two false reports to police one in Crime No. 304/2017 and another in Crime No. 316/2017 of Peddapalli Police Station falsely alleging as if he purchased 121 square yards of land in S.No. 613 from one Md. Jeelani and the petitioner/accused trespassed into the said land. Learned counsel would further submit that in view of the interim injunction in favour of

the petitioner/accused, the question of petitioner trespassing into the said land and committing any offence does not arise and the same would show that he was falsely implicated in the case. He thus sought for quashment of both the cases.

It is seen that as per the submission of learned counsel for petitioner, petitioner obtained interim injunction in I.A.No. 215 of 2017 in O.S.No. 40 of 2017 in respect of land covered by Sy.No. 613 admeasuring Ac. 0.06 gts, i.e., 726 square yards whereas in the two FIRs the respondent/complainant stated as if he purchased 121 yards of and in S.No. 613 and the petitioner/accused trespassed into the said land. It is not known whether the land of the petitioner/accused and respondent/complainant are one and the same or not. As the matter stands, the police, Peddapalli in both the matters filed charge sheet after investigation and the Court has taken cognizance of both the charge sheets and registered them as CC Nos. 799 and 800 of 2017 and the matters are now coming up for framing of charges. In that view, it is not apt for this Court to entertain the quash petitions. However, liberty is given to the petitioner/accused to approach the trial Court and seek for his discharge putting forth his contention before the trial Court, in which

case, the trial court shall pass appropriate orders on merits in both the cases.

Accordingly, Criminal Petitions are disposed of. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

Date: 19.03.2018
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U.DURGA PRASAD RAO, J

