

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.8015 of 2013

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. seeking for quashing of the proceedings against the petitioners in Crime No.163 of 2013 on the file of Pendurthy Police Station, Visakhapatnam, registered for the offences punishable under Sections 447, 332 and 34 of IPC and Section 3(x) of SC/ST POA Act.

2. Heard learned counsel for the petitioners and learned public prosecutor appearing for the respondent.

3. The complaint is filed by the Revenue Inspector, Sri K.Trinadha Rao, stating that on the instructions of the Tahsildar on 18.05.2013, he went to the disputed land, which is in Survey No.197, which is allegedly encroached and in order to remove the said encroachment, he went to the site along with the other officials and he was doing his duty as per law, but the petitioners and their people attacked them and abused them.

4. This being the allegation made in the complaint, the counsel for the petitioner submits that the 1st petitioner, in fact, filed a suit against the District Collector and the Tahsildar in O.S.No.1132 of 2009 on the file of the III Additional Senior Civil Judge (Fast Track Court),

Visakhapatnam, for permanent injunction and also sought temporary injunction restraining the defendants therein from interfering with the peaceful possession of the petitioners and by virtue of the orders in I.A.No.147 of 2009, dated 13.12.2010, this Court granted interim injunction in favour of the plaintiff therein, who is the 1st petitioner herein. The counsel further submits that while the injunction order is passed in the month of December, 2010, this complaint is filed in the year 2013 with absolutely false allegations. This Court finds some force in the said contention. When interim injunction is in favour of the petitioners and when the petitioners are in possession of the said property, with the help of the said injunction order, no encroachment can be alleged against the petitioners.

5. Hence, in view of the above, this Court opines that there may not be truth in the complaint and hence, the further proceedings are quashed.

6. Accordingly, this criminal petition is allowed and all the proceedings against the petitioners in Crime No.163 of 2013 on the file Pendurthy Police Station, Visakhapatnam are hereby quashed.

As a sequel, miscellaneous petitions pending consideration, if any, shall stand closed.

T. RAJANI, J

01.11.2018
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