

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.3974 of 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioners/accused 1 to 3 seeking to quash the proceedings against them in Crime No.20/2018 of V.M.Bazar Police Station, Khammam District, registered for the offences under Sections 427, 444 & 506 r/w 34 IPC.

2) The complaint allegations in brief are that the *de facto* complainant is the owner of the agricultural land to an extent of Ac.14.17 guntas in Survey Nos.236/AA, 237/E, 238/AA, 238/E, 236/EE, 72/A, 72/AA, 79/EE, 81/EE, 81/A and 81/EE of Bayannagudem Village, Penuballi Mandal, Khammam District and she has been in possession and enjoyment of the same and she never sold those properties by virtue of any type of document. Her further case is that the accused are trying to encroach upon the said lands and in that context they created a forged agreement of sale. Further, A1 inducted A3 as his tenant into the property. On 29.01.2018 when the *de facto* complainant and her son went to their land, the accused were ploughing the land with the tractor and when the *de facto* complainant and her son obstructed them, the accused threatened her with dire consequences and the investigation is reported to be pending.

3) Refuting the complaint allegations as false, learned counsel for the petitioners would submit that the *de facto* complainant executed an agreement of sale in favour of the petitioner No.1/A1 and when she failed

to executed the Sale Deed, he filed O.S.No.138 of 2017 on the file of the learned Senior Civil Judge, Sathupalli and the same is pending and the *de facto* complainant in turn filed O.S.No.26 of 2018 against petitioner No.1/A1 seeking perpetual injunction and the said suit is also pending. Learned counsel would further submit that the matter is purely a civil matter relating to the property. In order to bend the petitioners/accused 1 to 3 to her terms, the *de facto* complainant filed a false complaint. He would also submit that there is a delay of ten days in filing the complaint. With all these submissions, learned counsel prayed to quash the proceedings.

4) Learned Additional Public Prosecutor would submit that the investigation is still pending at the nascent stage.

5) The complaint allegations are that the *de facto* complainant had never executed any document in favour of anybody. In that view of the matter, whether she executed an agreement of sale in favour of petitioner No.1 or whether the accused illegally tried to trespass into her land has to be investigated. Therefore, the investigation shall continue to its logical end. However, in view of the compliant allegations having a tinge of property dispute, the Investigating Officer during the course of investigation shall strictly follow the guidelines rendered by the Hon'ble Apex Court in the decision reported in ***Arnesh Kumar vs. State of Bihar***¹ and the petitioners also shall cooperate with the Investigating Agency for smooth completion of the investigation.

¹ AIR 2014 SC 2756

6) Accordingly, this Criminal Petition is disposed of.

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

U.DURGA PRASAD RAO, J

13.04.2018

Note: Issue C.C by 16.04.2018

(b/o)

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