

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.8972 OF 2013

ORDER:

The present Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 is filed by the petitioners - accused Nos. 1 to 3 seeking to quash the proceedings in Crime/FIR No.33 of 2013, dated 16.04.2013, of Vemsoor Police Station, Khammam District, registered for the offences punishable under Sections 420 and 506 read with 34 of the Indian Penal Code, 1860.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor and also learned counsel for respondent No.2.

3. The complaint was lodged by respondent No.2 - *de facto* complainant on 16.04.2013, alleging that there was an agreement of sale between himself and petitioner No.1 in respect of an agricultural land and possession was given in pursuance of the said agreement and he was asking the petitioner to register the land, but petitioner No.1 has been postponing the same.

i) While things stood thus, on 01.03.2013 at about 11.00 A.M., petitioner No.1 along with petitioner Nos.2 and 3, came to the land and sprinkled pesticides. On knowing the same, respondent No.2, along with his elder brother and village elders, went to the land and asked them to leave the land. Then the petitioners expressed their refusal to register the land and also attacked them. These being contents of the

report, the learned counsel for the petitioners submits that apart from the report being belated, there is another report lodged by respondent No.2 on 23.03.2013, alleging that on that day at about 9.00 A.M., brothers of petitioner No.1 trespassed into his mango garden, scolded his farm servant and threatened him to kill, by using un-parliamentary language and from there, they came to his house and since he was not in the house, they scolded the female members and threatened them with dire-consequences.

5. From the contents of the above complaint, it can be understood that the contents of complaint under challenge are not genuine, for the reason that respondent No.2 has not mentioned about the incident that occurred on 01.03.2013, in the earlier report given on 23.03.2013, and there was no need to lodge this complaint under challenge which is in respect of the incident which occurred prior to 23.03.2013. Hence, this Court opines that the present complaint is only filed in order to harass the petitioners.

6. Accordingly, the present Criminal Petition is allowed, and all further proceedings in Crime/FIR No.33 of 2013, dated 16.04.2013, of Vemsoor Police Station, Khammam District, against the petitioners - accused Nos.1 to 3 are hereby quashed.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand closed.

SMT. T. RAJANI, J

November 13, 2018
Mgr