

SMT JUSTICE T. RAJANI

CRIMINAL PETITION Nos.8750 and 9606 of 2011

COMMOM ORDER:

These petitions are filed, by the petitioners, who are A10 to A12 and A1 to A9 respectively, seeking for quash of the proceedings against them, in C.C.No.421 of 2011 on the file of the Court of Judicial Magistrate of First Class, Bodhan, Nizamabad District. The offences alleged against the petitioners are under Sections 166, 167, 342, 447, 324, 379 r/w 34 IPC.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing, for the 1st respondent as well as the counsel appearing, for the 2nd respondent.

3. The counsel for the petitioners submits that against A10 to A12 i.e., petitioners in CrI.P.No.8750 of 2011, the allegations are only that they have failed to perform their official duty for which sanction is necessary under Section 197 Cr.P.C. He further submits that based on the complaint given by A1 to A9, i.e., petitioners in CrI.P.No.9606 of 2011, a case was registered against the 2nd respondent and in that regard, police have arrested the 2nd respondent. Having grievance with regard to the said arrest, the 2nd respondent filed the present complaint, arraying the petitioners in these petitions as accused.

4. The averments in the complaint also support the said submissions. The allegations are that A1 to A8 tried to occupy

the land, which belongs to the 2nd respondent and that when a complaint was made to the police they did not take action and, in turn, they arrested the 2nd respondent. As already observed, since there was a complaint filed by A1 to A8, the police effected arrest of the 2nd respondent. No personal reasons to arrest those accused seem to be evident from the averments made in the complaint.

5. In view of the above, this court opines that continuation of further proceedings against A10 to A12 would only result in abuse of process of law and hence, the proceedings against A10 to A12 are liable to be quashed.

6. So far as CrI.P.No.9606 of 2011 is concerned, the allegations made against these petitioners have to be gone into at the time of trial. Hence, this court opines that it is not advisable to quash the proceedings against A1 to A9 at this stage.

7. With the above observations, CrI.P.No.8750 of 2011 is allowed and the proceedings against the petitioners, who are A10 to A12, in C.C.No.421 of 2011 on the file of the Court of Judicial Magistrate of First Class, Bodhan, Nizamabad District, shall stand quashed. CrI.P.No.9606 of 2011 is, accordingly, dismissed. Interim stay granted by this court in CrI.P.M.P.No.10493 of 2011, dated 11.10.2011, shall stand vacated.

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

August 27, 2018
LMV

T. RAJANI, J

