

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.9865 OF 2011

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the Petitioner/A-2 seeking to quash the proceedings in P.R.C. No.6 of 2011, on the file of the Court of IV Metropolitan Magistrate at Bheemunipatnam, Visakhapatnam District, registered for the offences punishable under sections 323 and 354 of I.P.C.

2. Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the 2nd respondent – State. None appears for the 1st respondent – complainant, in spite of service of notice.

3. The complaint is to the effect that when the petitioners tried to encroach upon the land of the complainant, there was a civil suit in O.S. No.1516 of 2010 filed by the complainant. A caveat petition was filed by the petitioner along with A-1 and, hence, notice was ordered to them in I.A. No.796 of 2010, filed by the complainant, seeking for temporary injunction. But the petitioner and A-1 encroached the land of the complainant, in her absence, and on coming to know about the same, when the complainant went to the land and questioned the petitioner and A-1, they revolted and threatened the complainant not to appear in the surroundings of the land.

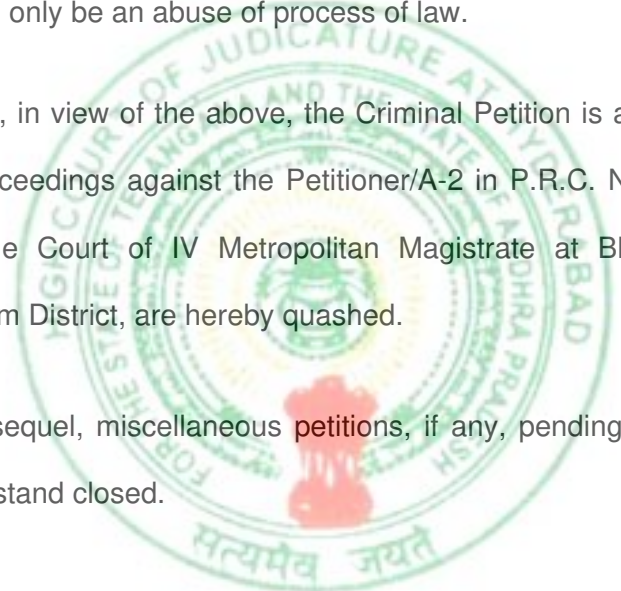
4. These being the allegations in the complaint, learned counsel for the petitioner submits that the land was, in fact, sold by the complainant to her vendees in the year 1984 by way of a registered sale deed dated 31.01.1984, a copy of which is filed before this Court, and after the said sale, in the year 2010, the petitioner and A-1 took the land for development from the said vendees and this complaint was filed on 04.01.2011 with the aforesaid allegations.

5. Learned counsel for the petitioner submits that, subsequent to filing of this complaint, the complainant compromised the matter with the petitioner and A-1 and in terms of the said compromise the suit in O.S. No.1516 of 2010 was dismissed as not pressed. The compromise deed is also filed before this Court, which shows that the complainant herein, who is arrayed as 2nd party, agreed to forego the rights in the land by receiving Rs.4,00,000/- by way of a cheque.

6. Hence, from the above, it can be understood that the matter was compromised between the parties, subsequent to filing of this complaint, and hence continuation of further proceedings against the petitioner in P.R.C. No.6 of 2010 would only be an abuse of process of law.

7. Hence, in view of the above, the Criminal Petition is also allowed and all further proceedings against the Petitioner/A-2 in P.R.C. No.6 of 2011, on the file of the Court of IV Metropolitan Magistrate at Bheemunipatnam, Visakhapatnam District, are hereby quashed.

8. As a sequel, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.



T. RAJANI, J

Date: 26.09.2018.
Dsh

SMT JUSTICE T.RAJANI**14****27092018****CRIMINAL PETITION No.9865 OF 2011**

Date. 26.09.2018

DSH