SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.8697 of 2012

ORDER:

This criminal petition is filed for quash of the proceedings in Crime No.233 of 2012 against the petitioner on the file of the Sanga Reddy (Rural) Police Station, Medak District. The offences alleged are under Sections 427 and 447 of the Indian Penal Code.

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the 1st respondent.

3. The allegation against the petitioner is that it has encroached the land in Sy.No.573 to an extent of Ac.1-20 guntas and constructed buildings.

4. Learned counsel for the petitioner submits that earlier by virtue of Certificate dated 12.11.2005, the Mandal Revenue Officer, Sanga Reddy has certified that the petitioner Trust has constructed in Sy.Nos.574, 575 and 578 and the same is owned by the petitioner Trust. He further submits that no construction is made in Sy.No.573. It is further contended that even if it is the case of complainant that the petitioner made construction in Sy.No.573, it leads to civil dispute and he can take action by way of appropriate proceedings before competent civil Court.

5. This Court concurs with the contention of the petitioner that the dispute is civil in nature. Therefore, this Court opines that

continuation of further proceedings against the petitioner would only result in abuse of process of law.

6. Hence, the criminal petition is allowed and the proceedings in Cr.No.233 of 2012 against the petitioner on the file of the Sanga Reddy (Rural) Police Station, Medak District are hereby quashed.

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

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T. RAJANI, J

Date: 03.12.2018
Prv