

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.9954 OF 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioner, who is A1, in Crime No.203 of 2011 on the file of the Shamshabad Police Station, Cyberabad District. The offences alleged are under Sections 147, 148, 452, 363, 506, 379, 427, 323 r/w 149 IPC.

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

3. The report is filed by the watchman to the disputed site stating that the petitioner has come to the site, threatened him, took him along with them in an Innova car and later dropped him at 05:00 AM.

4. The counsel for the petitioner takes this court to the background history of this complaint. He submits that a suit was filed by the complainant herein in O.S.No.415 of 2008 before the court of III Additional District Judge, Ranga Reddy District, and the same was dismissed after due trial. Subsequent to that, the petitioner filed a suit viz., O.S.No.959 of 2006 before the court of Principal District Judge, Ranga Reddy Court at L.B.Nagar and obtained interim injunction in their favour by virtue of orders, dated 28.03.2011, passed in I.A.No.2330 of 2006 in O.S.No.959 of 2006 and batch. There are other suits also filed in respect of different sale deeds and in all the suits, interim orders were granted in favour of the respective petitioners therein.

Against the said interim orders, the complainant herein preferred appeals viz., CMA Nos.397, 399, 400 and 401 of 2011 before this court and by virtue of common order, dated 10.06.2011, this court dismissed the said CMAs. A writ petition viz., W.P.No.18143 of 2011, was also filed before this court questioning the notice, dated 13.06.2011, issued by the Tahsildar in Notice No.D/362/2007, which was issued inviting objections on the claim of the respondents 4 to 9 therein, one of whom is the petitioner herein, for mutation of their names in the Record of Rights.

5. All the above facts would clearly show that, *prima facie*, possession was found to be with the petitioner herein. In the said circumstances, there being a watchman for the said site, the petitioner going and threatening the watchman and taking him away, does not arise. Hence, it appears that this complaint is only filed with false allegation only to work out his remedies otherwise. Hence, continuation of further proceedings against the petitioner would result in abuse of process of law.

6. With the above observations, the Criminal petition is allowed and the proceedings in Crime No.203 of 2011 on the file of the Shamshabad Police Station, Cyberabad District, against the petitioner are hereby quashed.

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

JUSTICE T. RAJANI

October 3, 2018
LMV