

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.7070 of 2018

ORDER:

In this petition filed under Section 482 Cr.P.C, petitioners/A1 to A4 seek to quash the proceedings in CC No. 8 of 2016 on the file of Judicial First Class Magistrate, Tandur, Ranga Reddy District, which was taken cognizance for the offences under Sections 447,427, 504 & 506 r/w 34 IPC.

2. The brief facts of the charge sheet are that the complainant purchased the land in S.Nos. 52 (part), 53 (part), 54/C, 55/part, 56/B, 125/part & 126/part of Malreddypally Village admeasuring 33.35 guntas under registered sale deed bearing document No. 9519/1983, which was executed in his favour by the Liquidator appointed by the High Court of A.P.

3. It is the case of the complainant that he has been in possession and enjoyment of the said land as an absolute owner. It is further alleged that on 24.7.2015, the accused 1 to 4 with malafide intention illegally tress passed into the part of the said land of the complainant towards Hyderabad Road Tandur and dumped the construction material and dug the pits and caused damage to the worth of Rs. 10,000/-. On knowing the same, when the Secretary of the Company went to the scene and objected the same, A1 to A4 abused him in filthy language and threatened him with dire consequences. Meanwhile LW.2 & LW.3 rescued the complainant. Thus the complaint.

4. After investigation, the police laid charge sheet and the same was taken into cognizance for the offences under Sections 447, 427, 504 & 506 r/w 34 IPC.

5. Denying the charge sheet allegations, it is the contention of the learned counsel for petitioners that the society M/s Vidya Vikas Samithi Trust, Tandur has no

right over the property in dispute and in fact the land which the complainant is claiming ownership and the possession, has been decided against the complainant in the order dated 25.11.2014 in O.S.No. 9/2012, on the file of Additional District Judge, Vikarabad, Ranga Reddy District. In that view, the present criminal proceedings are not maintainable.

6. It is seen that the petitioner filed a copy of the decree in O.S.No. 9 of 2012. The said suit was filed by M/s Vidya Vikas Samithi Trust, Tandur, against six defendants seeking perpetual injunction. The said suit after trial was dismissed by the learned Additional District Judge, Vikarabad. However, admittedly, the present petitioners/A1 to A4 are not parties in that suit. Counsel for petitioners is also unable to tell how dismissal of the suit O.S.No. 9 of 2012 confer any advantage to the stand of the accused. In that view of the matter, the judgment in O.S.No. 9 of 2012 at this stage cannot be taken into consideration. However, petitioners/A1 to A4 are at liberty to raise the defense pleas that are legally permissible to them under law during the trial in CC No. 8 of 2016 and to vindicate their stand.

7. As the matter stands, at present there are no merits in the Criminal Petition to quash the proceedings. Accordingly, the Criminal Petition is dismissed.

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

U.DURGA PRASAD RAO, J

Date: 09.07.2018
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