

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No.3609 of 2011

ORDER

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in C.C.No.110 of 2009 on the file of the Additional Judicial First Class Magistrate, Giddaluru, Prakasam District, registered for the offences under Sections 447, 506, 147, 148 read with Section 149 IPC, against the petitioners/A1,A3 to A6.

2. Heard learned counsel for the petitioners and the learned Public Prosecutor for the first respondent-State. None appears for the second respondent, in spite of service of notice.

3. Learned counsel for the petitioners submits that initially, the complainant lodged a report stating that the petitioners had interfered with his possession over the land and destroyed the crop on 17.10.2004. He further submits that the said allegation is incorrect since a civil suit is pending between the parties and interim injunction was granted in favour of the petitioners and the same was made absolute later on.

4. A perusal of the final report filed by the police, Racherla Police Station in Cr.No.5 of 2005 would show that there is a civil dispute pending between the parties and the complainant failed to produce the documents pertaining to the disputed land and that on verification of the documents produced by the petitioners/accused, it shows that the accused were in possession of the disputed land by

paying cist. The final report also shows that the scene of offence of land was minutely observed and is concluded that the complainant simply gave a report to grab the land from the possession of the petitioners. Apart from that, it can be seen that the interim injunction was obtained by the petitioners as far back as on 07.04.2004 and challenging the said order, the complainant did not choose to prefer any appeal. Hence, the allegation that on 17.10.2004 the petitioners had encroached the land of the complainant and damaged the crop, is not at all believable in view of the background facts of the case. Therefore, it has to be considered that the protest petition is filed reiterating the facts, which are stated in the complaint which is found to be false. Hence, this Court opines that further proceedings against the petitioners/accused needs to be quashed.

5. In the above circumstances, the Criminal Petition is allowed, quashing the proceedings in C.C.No.110 of 2009 on the file of the Additional Judicial First Class Magistrate, Giddaluru, Prakasam District, against the petitioners/A1,A3 to A6. Miscellaneous applications, if any, pending in this criminal petition shall stand closed.

T. RAJANI, J

29th October, 2018.

sj