

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.9397 OF 2011

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the Petitioner/Accused seeking to quash the proceedings in C.C. No.113 of 2007, on the file of the Court of III Metropolitan Magistrate, Cyberabad at Hyderabad, registered for the offences punishable under Sections 499 and 500 of I.P.C.

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

3. The complaint is filed alleging that the complainant is the owner of a Plot at Nacharam. The father of the complainant objected the petitioner, who is trying to occupy one of the roads, which is opposite to the plot of the complainant and adjacent to the plot of the petitioner. The existence of such road is clearly mentioned in the original layout, as there is a 70 feet width road, the petitioner with a *mala fide* intention to grab the road started various attempts to construct a compound wall, which attempts were strongly opposed by the complainant. While so, the petitioner with a conspiracy to pressurize and defame the complainant herein, approached the Commissioner of Police, Cyberabad, and filed a complaint which is made basis of the complaint of this complainant.

4. Learned counsel for the petitioner submits that the complaint filed by the petitioner with the Commissioner of Police, Cyberabad, against the complainant herein is only to redress his grievance and it is

not with an intention to defame the complainant, in any manner. A perusal of the complaint shows, that it was mentioned therein, that the complainant herein viz., P.Yadagiri Rao, who was a Rowdy sheeter at Nacharam Police Station, blocked the road towards the plot of the petitioner and created obstructions for him to enter into his plot. Further, the complainant herein is also alleged to have occupied the road in front of the house of the petitioner by 20 feet and 5 feet to the south of his house. The petitioner also mentions the other grievances against the complainant herein.

5. Learned counsel for the petitioner further submits that the complainant is in the habit of making such complaints and, on a similar complaint made by the complainant herein in C.C. No.110 of 2006, the matter was tried and the petitioner herein, who was arrayed as accused therein, was acquitted. The basis for the complaint in that C.C. is also that due to the acts and behaviour of the petitioner, the complainant was arrested and remanded to judicial custody and the locality persons blamed the complainant. Simply because a person takes recourse to legal action by adopting suitable means, it cannot be said that it is made with an intention to defame the complainant. The complaint made to the Police Commissioner, Cyberabad, would only reveal the grievances and the agony of the petitioner herein and that it is not with an intention to defame the complainant. The words that the complainant is a rowdy sheeter also cannot be termed as defamatory words, as the same was recorded as an admitted fact in the judgment in C.C. No.110 of 2006. At Paragraph No.10 of the judgment therein, the Court recorded that the fact of the complainant being a rowdy sheeter and a rowdy sheet being opened in Nacharam Police Station is an admitted fact.

6. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioner would result in sheer abuse of process of law.

7. Therefore, the Criminal Petition is allowed and all further proceedings against the petitioner/accused in C.C. No.113 of 2007, on the file of the Court of III Metropolitan Magistrate, Cyberabad at Hyderabad, are hereby quashed.

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

Date: 03.10.2018.
Dsh

T. RAJANI, J



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Date. 03.10.2018

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