

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No. 7731 OF 2013

ORDER :

This Criminal Petition is filed under Section 482 of Cr.P.C., seeking to quash the Proceedings in C.C.No. 97 of 2013 on the file of the Court of I-Additional Chief Metropolitan Magistrate, Visakhapatnam district.

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

3. The counsel for the petitioners submits that earlier a similar complaint was filed by the first respondent and after due investigation Police filed final report, referring the matter civil in nature and now this complaint is filed on the same allegations, only taking the ground of appeal filed by the complainant being pending before this Court.

4. The facts of the case are that in respect of the disputed land there was a civil suit filed by the complainant and the same was decided in his favour and against the same these petitioners went in appeal and in the appeal the judgment of the trial court was set aside and matter was decided in favour of these petitioners. Against the same, the complainant preferred an appeal before this Court and this Court remitted the matter for fresh consideration. After fresh consideration also, the appellate court decided the

matter in favour of the petitioners herein, against the said judgment, the complainant preferred an appeal before this Court.

5. Hence, taking that as a ground and pleading that the matter did not conclusively decide the title in favour of the petitioners, the complainant files this fresh petition. But in the considered opinion of this Court, irrespective of the issue regarding the land becoming final, the nature of the dispute itself was considered by the Police while referring the matter, as civil in nature. Hence for the same reason, this Court opines that further proceedings in C.C.No. 97 of 2013 on the file of the Court of I-Additional Chief Metropolitan Magistrate, Visakhapatnam district would result in abuse of process of law.

6. Hence, the Criminal Petition is allowed and further proceedings in C.C.No. 97 of 2013 on the file of the Court of I-Additional Chief Metropolitan Magistrate, Visakhapatnam district are quashed.

7. As a sequel, miscellaneous petitions if any, pending in this criminal petitions stand disposed of.

JUSTICE T. RAJANI

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[**RESULT : ALLOWED**]



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