

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.10681 OF 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioners, who are A1 to A3, in C.C.No.821 of 2010 on the file of the Court of VII Metropolitan Magistrate, Hayatnagar, R.R.District, Cyberabad. The offences alleged are under Sections 448 and 506 IPC.

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

3. The complaint is filed by the complainant on 28.10.2010 stating that on 20.08.2010 at about 08:00 AM his tenant P.Krishnama Chary telephoned to him and informed that it is the 1st petitioner herein, who is trying to interfere with his peaceful possession and also abusing in filthy language. Then the complainant informed the same to his wife and asked her to visit his house and on that his wife went there, then the petitioners 1 and 2, who are standing outside the house, abused his wife in filthy language and caught hold of his wife's neck and pushed him outside and threatened with dire consequences.

4. The counsel for the petitioners submits that the sale deed was fabricated as if the disputed property was sold to the brother of the 1st respondent and that the suit was filed viz., O.S.No.594 of 2009 on the file of the Court of Principal

Senior Civil Judge, Ranga Reddy District, seeking for cancellation of the sale deed and for recovery of the possession of the disputed property and that during the pendency of this suit, the brother of the 1st respondent expired and his legal representatives were impleaded in the said suit and when summons were served, this complaint is filed as a counter blast to the said suit. Subsequently, the suit was decreed, ordering for cancellation of the sale deed and recovery of possession.

5. Be that as it may, even from the complaint, it can be understood that it is filed as a counter blast to the suit filed by the 3rd petitioner. The incident, according to the complainant occurred on 20.08.2010, while the complaint was filed only on 28.10.2010. Absolutely, no reasons for the delay are stated in the petition.

6. The contention of the 1st respondent's counsel that the complainant was prevented by his old age in filing the complaint immediately, is not at all tenable. The contention of the 1st respondent's counsel that a complaint was filed with the police on 20.08.2010 itself and the police did not respond to the complaint and that in that regard, W.P.No.22932 of 2010 was filed before this court and it was ordered that the police could take appropriate action, also cannot be considered, as the alleged incident is subsequent to the filing of the suit.

7. Moreover, the fact that no Will was filed in the suit filed by the 3rd petitioner under which the 1st respondent derives right, would also show that the 1st respondent does not come forth

before this court with true facts. In view of the above, this court opines that continuation of further proceedings against the petitioners would be an abuse of process of law.

8. With the above observations, the Criminal petition is allowed and the proceedings in C.C.No. 821 of 2010 on the file of the Court of VII Metropolitan Magistrate, Hayatnagar, R.R.District, Cyberabad, against the petitioners are hereby quashed.

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

September 7, 2018
LMV



T.RAJANI, J