

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.9656 OF 2011

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/Accused seeking to quash the proceedings in Crime No.404 of 2011 on the file of the Station House Officer, R.G.I. Airport, Shamshabad Police Station, Cyberabad, registered for the offences punishable under Sections 448, 427 and 295 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 case of the complainant is that the petitioner, on 20-09-2011, trespassed and constructed a compound wall in the temple land by shifting the Dhwaja Sthambham of said temple.

4. Learned counsel for the petitioner submits that, subsequently, the complainant gave an affidavit stating that it is a mistake of fact.

5. A perusal of the affidavit shows that the complainant lodged the complaint only upon the information given by his caste people in their village, without inspecting the site and, prior to that, he also gave a letter to the Inspector of Police, R.G.I. Airport Police Station, Shamshabad, which is to the same effect.

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

7. Accordingly, with the above observation, the Criminal Petition is allowed and all further proceedings against the Petitioner/Accused in Crime No.404 of 2011 on the file of the Station House Officer, R.G.I. Airport, Shamshabad Police Station, Cyberabad, are hereby quashed.

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

T. RAJANI, J

Date: 24.10.2018.
Dsh



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Date. 24.10.2018

DSH