

THE HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.7685 of 2011

ORDER:

This Criminal Petition is filed by the petitioners under section 482 of Cr.P.C., seeking to quash the proceedings in C.C. No.408 of 2011, pending on the file of the learned Additional Judicial First Class Magistrate, Yalamanchali, Visakhapatnam District.

2. The allegations against the petitioners-accused in the complaint are that the respondent No.1 started construction of shopping complex near R.T.C complex by the side of Kommai Gudem Tank in the year 2005 and the then Sarpanch entrusted construction to a private contractor on nomination basis. The petitioner No.1 is Sarpanch. The local M.L.A planned to start mineral water plant in four shops of the said newly constructed building. While so, on 17-3-2007 at about 2.00pm, the petitioners and some others formed into an unlawful assembly, attacked Veeranapu Jhon, Polarowthu Kondababu and Polarowthu Sathibabu and threatened them to stop the work and removed tiles from the floor and pushed down two walls which are under construction. On the report of the LW.1, a case was registered in Crime No.17 of 2007 of Yalamanchali Town police station under section 147 and 506 IPC and section 3 of Prevention of Damage to Public Property Act, 1984. After filing

Contd..P.2.

charge sheet, the Court took cognizance and the same is numbered as C.C. No.408 of 2011. Questioning the same, the present CRP.No.7685 of 2011 is filed.

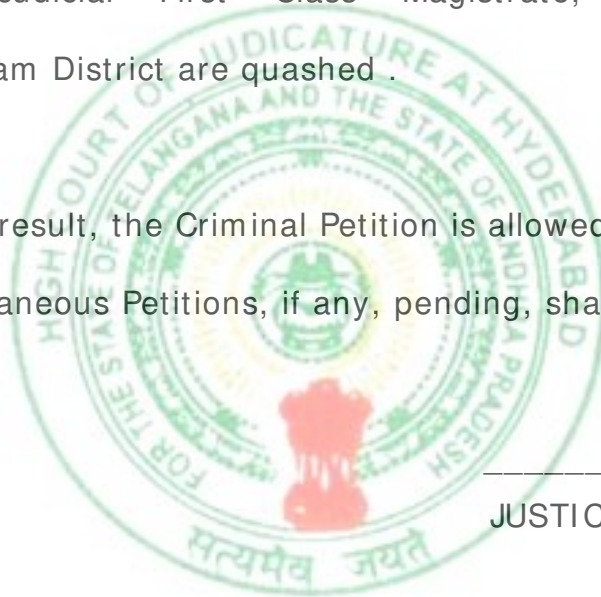
3. Now, all the petitioners / A1 to A3 and the respondent No.1 are present and filed the compromise petition / Compound the offence petition in C.C. No.408 of 2011. The terms of the compromise as stated by respondent No.1 in the affidavit are that, Respondent No.1 made a complaint in Crime No.17/2007 which is numbered as C.C.No.408/2011. While pending CRL.Petition No.7685/2011, construction of said commercial complex had been completed and one of the shop has been allotted to the persons of the local MLA for establishing mineral water plant pursuant to the orders of the District Collector. Yelamanchili Gram Panchayat had been upgraded to Municipality which was formulated as Yelamanchili Municipality and the petitioner No.1 now been elected as the Chairperson of the Yelamanchili Municipality and therefore, there is no existence of Panchayat as well as Gram Panchayat and no cause of action arise. Since construction of commercial complex is completed and handed over to the concerned persons, there is no existence of said Gram Panchayat. Therefore, all the parties and in the interests of public of Yelamanchili Municipality entered into compromise.

Contd..P.3.

4. The compromise has been read over to the parties and they admitted the same. Accordingly, the matter entered into compromise in the interests of public as the respondent No.1 is Mandal Engineering Officer and petitioner No.1 is Sarpanch of Yelamanchili and to maintain harmony and good relationship among the petitioners and respondent/s, are permitted to compromise. Accordingly, compromise is recorded. The proceedings in C.C. No.408 of 2011, on the file of the learned Additional Judicial First Class Magistrate, Yalamanchali, Visakhapatnam District are quashed .

5. In the result, the Criminal Petition is allowed.

Miscellaneous Petitions, if any, pending, shall stand closed.



JUSTICE N. BALAYOGI

Dated:20-02-2018

gnr

THE HONOURABLE SRI JUSTICE N. BALAYOGI



CRIMINAL PETITION No.7685 of 2011

Dated:20-02-2018

gnr