

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.1325 OF 2013

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., by the petitioner/accused, seeking to quash the proceedings in Crime No.125 of 2012 on the file of RIMS Police Station, Kadapa District. The offences alleged are under Sections 447, 506 IPC and Section 5 (B) of the A.P.Land Grabing Act, 1982.

2. Heard learned counsel for the petitioner/accused and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. The allegations in the complaint would go to show that this petitioner/accused has created fake possession certificates and is making constructions in the subject survey numbers. It is also alleged that the petitioner is abetting innocent people and forcing them to occupy the land by giving them fake possession certificates by collecting huge amount. It is also alleged that the statement recorded from one Rangamma discloses that no land was allotted to her, but, she along with others filed a suit in O.S.No.359 of 2012 on the file of Principal Junior Civil Judge, Kadapa, seeking permanent injunction restraining the respondent therein from interfering with their peaceful possession and enjoyment over the suit schedule property and that she also filed I.A.No.530 of 2012 in the said suit seeking temporary injunction.

4. Learned counsel for the petitioner persuaded this Court to understand the falsity of the case, from the inconsistency revealed

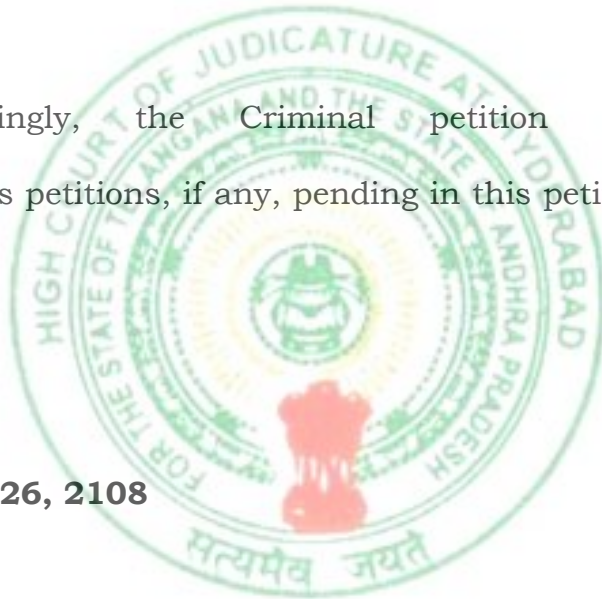
by the statement of Rangamma recorded in this case and the application filed by her in the above suit.

5. But a perusal of the complaint shows that the Tahsildar made a spot inspection and received a complaint that some construction work was going on in the Government land and he took possession of the articles, which were used in the construction place. When there are conflicting questions of fact, this Court opines that it is not safe to quash the proceedings at this stage. Therefore, the Criminal Petition is liable to be dismissed.

6. Accordingly, the Criminal petition is dismissed. Miscellaneous petitions, if any, pending in this petition shall stand closed.

DECEMBER 26, 2108
YVL

T. RAJANI, J



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Date:26.12.2018

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