

**HONOURABLE JUSTICE G. SRI DEVI**  
**CRIMINAL PETITION No. 398 of 2019**

**ORDER:**

1. This Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioners/A.1 to A.3, seeking to quash the proceedings in C.C.No.1336 of 2018 on the file of the VI Metropolitan Magistrate, Cyberabad at Medchal.

2. Heard the learned counsel for the petitioners/A.1 to A.3, the learned counsel for the 2<sup>nd</sup> respondent, the learned Additional Public Prosecutor representing the 1<sup>st</sup> respondent-State and perused the record.

3. The case of prosecution, in brief, is that the 2<sup>nd</sup> respondent has lodged a complaint stating that the lands to an extent of 26 guntas in Sy.No.113, 32 guntas in Sy.No.115, 32 guntas in Sy.No.116 and 30 guntas in Sy.No.117 of Suraram Village, stand in the name of her husband; that her husband is the absolute owner and possessor of the said lands; that the lands were surrounded with basement; that the accused are illegally trespassed into the land of the *de facto* complainant and demolished part of the basement; that they removed plants and planted stones; that they dumped cement and other material and that A.2 threatened the *de facto* complainant and L.W.2, her son to sell the aforesaid lands to them or else they will create problems by using political background.

4. Learned counsel for the petitioners/A.1 to A.3 would submit that the allegations levelled against the petitioners are civil

in nature and no criminal liability can be invoked against the petitioners. There are no specific allegations levelled against the petitioners and they are falsely implicated in this case. He further submits that the *de facto* complainant is not the owner of the said lands. Hence, he prayed to quash the aforesaid proceedings.

5. Learned counsel for the 2<sup>nd</sup> respondent vehemently opposed quashing of the aforesaid proceedings in C.C. and contended that the petitioners are illegally trespassed into the land of the *de facto* complainant, demolished part of the basement, removed plants and planted stones and threatened with dire consequences.

6. A perusal of the material placed on record shows that the disputed lands are in the name of the husband of the *de facto* complainant and it was surrounded by basement. The accused approached the *de facto* complainant and L.W.2 and asked them to sell the aforesaid lands to them, but they refused to sell the same. Therefore, A.1 along with another person entered into an agreement of sale for the lands in same survey number with L.W.3. Thereafter, on 21.09.2016, when L.Ws.1 and 2 went to their property, they noticed that the accused criminally trespassed into the said land and damaged the basement and erected stones. On questioning the same, the accused replied that they purchased the land from L.W.3 and threatened L.Ws.1 and 2 with dire consequences.

7. On a perusal of the impugned charge sheet and the material in support of the same, this Court does not find it to be a case which can be determined or gone into an application under Section 482 Cr.P.C. This Court cannot hold parallel trial in an

application under Section 482 Cr.P.C. No such ground appears to be available to the petitioners/A.1 to A.3 on the basis of which, the impugned charge sheet can be quashed going by the settled law in ***R.P.Kapur v. The State of Punjab***<sup>1</sup>, ***State of Haryana v. Bhajan Lal***<sup>2</sup>, ***State of Bihar v. P.P. Sharma***<sup>3</sup> and ***Zandu Pharmaceutical Works Ltd., v. Mohd. Saraful Haq and another***<sup>4</sup>. Accordingly, the prayer for quashing the proceedings in C.C. is rejected.

8. In the result, the Criminal Petition is dismissed.

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

25.07.2019  
ssp

**JUSTICE G. SRI DEVI**

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<sup>1</sup> 1960 AIR 862

<sup>2</sup> 1992 SCC (CrI) 426

<sup>3</sup> 1992 SCC (CrI) 192

<sup>4</sup> 2005 SCC (CrI) 283