

THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.15233 OF 2014

ORDER:

The petitioners are A-1 & A-2 in C.C.No.258 of 2015, on the file of the learned Special Magistrate, at Rajendranagar, Ranga Reddy District, originally numbered as C.C.No.376 of 2014 prior to such transfer. It is outcome of Crime No.13 of 2014, registered for the offences punishable under Sections 447, 427 & 186 of Indian Penal Code, on the report of the 2nd respondent, the then Village Revenue Officer of Shamshabad, which reads on 13.01.2013 at 13.00 hours, he received a telephone call from one Chandraiah, Raju and Narsimha, Village Police of Shamshabad, stating some persons criminally entered into the Government land and levelling the same near Siddulagutta, then reached the spot located in Survey No.363 within the limits of Shamshabad revenue land and found A-1 – Nawab Nusrathuddin, A-2 – Nawab Maqbool Ali Khan criminally entered into the Government land and levelling the land and when he asked, they abused him and obstructed him while discharging his duty. It is therefrom after investigation police filed the final report in the form of charge sheet by citing in all nine witnesses including the L.Ws.8 & 9 – the Investigating Officers, L.Ws.6 & 7 – Panch witnesses to the scene observation and L.W.1 – *de facto* complainant, L.Ws.2, 3 & 4 – so-called eye witnesses and L.W.5 – another Tahsildar, so-called circumstantial witness. Even from the report of the *de facto* complainant, when he received information from L.Ws.2 to 4, proceeded to the spot, which is land in Survey No.363 of Shamshabad, two persons, who were levelling the Government land, when he asked them, they stated that the land belongs to them and thereby they were levelling. There is nothing to say he was scolded, but for in saying earlier watchman N.Narsimha

questioned them, they scolded according to the watchman and it is stated they are levelling the land and he mentioned their names from enquiry and seeking to take action. In fact in Letter No.C/552/11, dated 06.04.2011, the Special Grade Deputy Collector-cum-Revenue Divisional Officer, Chevella, addressed to the Collector on the subject in relation to the land for grant of patta as per High Court orders in C.S.No.7 of 1958. When the Collector called for report, he same submitted. It is with reference to the said letter for grant of patta sought by father of A-1 and father of A-2 respectively, by names Mohd. Fareeduddin Khan and Sharfuddin, represented by GPA holder Syed Masood Pasha @ Mateen on 21.04.2009 and it shows the land classified as 'Sarkari Poramboke' as per Sesala Pahani 1955-58 and Martuka property of Asman Jahi Paiga and in that civil matter C.S.No.7 of 1958, on the file of the High Court, the suit filed by the shareholders of Paigah Asman Jahi for partition, preliminary decree, dated 08.05.1959, passed saying same is part of 'Fareed Villa' of Shamshabad Village in the occupation of Hazrath Abu Nasar Baghdadi Saheb in his life time till he vacated the property voluntarily and thereafter form part of 'A' schedule property that shall be divided among the parties to the suit supra pursuant to the High Court order and consequently in saying entitled to grant of patta rights.

3. In view of the same, leave about the correctness and no material as to the finality of litigation, the Special Grade Deputy Collector's report itself speaks their claim for grant of patta pending since 2009 from their occupation, if any, and not a first time trespass or mischief to attract the offences punishable under Sections 447 & 427 IPC, leave about no crime can be registered and investigated by filing final report, but for on private complaint for the offence punishable under Section

186 IPC from the bar under Section 195(1) of the Code of Criminal Procedure, 1973.

4. Having regard to the above, the Criminal Petition is allowed by quashing the proceedings against the petitioners/A-1 & A-2 in C.C.No.258 of 2015, on the file of learned Special Magistrate, at Rajendranagar, Ranga Reddy District.

Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

Dr.B.SIVA SANKARA RAO, J

Date: 30th January, 2019

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