THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION Nos.2032 and 2523 of 2014

COMMON ORDER :

The petitioner is A.1 in Crl.P.No.2032 of 2014 in Crime No.151 of 2013 of Yalal Police Station of Ranga Reddy District, registered for the offences punishable under Section 3(1)(iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, out come of the report of the 2nd respondent-*de facto* complainant with the allegation that there is a land in Sy.No.138 of Agganoor Village, Yalal Mandal, admeasuring Ac.6.27 gts. and that out of it, Ac.0.17 gts. was sold to one Tandur resident of Chaidabba (Tea Stall) Venkataiah and his land is situated adjacent to the land of the *de facto* complainant and said Venkataiah sold his land of Ac.0.17 gts. to Thandur resident of Muralidhar Parthani (A.1), who is the petitioner, and that he and his business associates together started an industry, by name, M/s.Maruti Industries, that was constructed in the land purchased by them and while constructing compound wall in their land, they occupied about Ac.0.10 gts. of land of the *de facto* complainant and when he asked the management of M/s.Maruti Industries, they stated that they are not constructing compound wall in the land of the *de facto* complainant, however, they occupied the land illegally knowing that he is SC and to grab the same. The same was registered as F.I.R. against A.1 supra and also by not mentioning the names against associates.

2. So far as Crl.P.No.2523 of 2014 concerned, it is filed by other partners of the entity and the entity as unnamed accused 8 number, all

are seeking to quash the proceedings with the contentions that they constructed the compound wall only in their Ac.0.17 gts. of land, which admittedly purchased by them, even from the version of the *de facto* complainant supra, and they did not encroach including by construction of compound wall and it is purely a civil dispute made by use of the abuse of the provisions of the Act and the proceedings are thereby liable to be quashed.

3. The 2nd respondent-*de facto* complainant opposed the petitions by filing initial counter of the quash petitions are liable to be dismissed, from there is *prima facie* case and additional counter is filed subsequently saying particularly from para 3 that there was measurement and demarcation through elders and found that there is no encroachment by the accused into the land of the *de facto* complainant, though in the report it is mentioned about Ac.0.10 gts. of land is under suspected encroachment. Once such is the case, the entire crime proceedings by virtue of the very say from the additional counter of the *de facto* complainant no way makes out any offence to sustain for continuation of the criminal proceedings covered by crime for investigation.

4. By recording the same, both the criminal petitions are allowed by quashing the proceedings against the petitioners/accused in Crime No.151 of 2013 of Yalal Police Station. The bail bonds of the petitioners/accused, if any, shall stand cancelled.

Miscellaneous petitions pending in both the cases, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

6th February 2019

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