

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION NO: 2370 OF 2022

Between:

Thumu Venkateswar Rao, S/o. Anantha Ramaiah, Age. 51 years, Occ. Agriculture, R/o. Lothuvagu Village Laxmidevipally Mandal, Bhadradi Kothagudem District, Telangana State.

...PETITIONER/ACCUSED

AND

1. S. Pitchaiah, 45 years, Forest Beat Officer, Lothuvagu beat, age 45 years, Laxmidevipally Mandal, Bhadradi Kothagudem District, Telangana State.

...RESPONDENT/DEFACTO-COMPLAINANT

2. The State of Telangana, Rep. by its Public Prosecutor, High court, At Hyderabad.

...RESPONDENT/COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings against the Petitioner in P.O.R No.20/OR/21-2022/KGM of Kothagudem Forest Range, Kothagudem Division, Kothagudem District, (Old Khammam District), Telangana State .

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings including arrest of the Petitioner in P.O.R No.20/OR/21- 2022/KGM of Kothagudem Forest Range, Kothagudem Division, Kothagudem District, (Old Khammam District), Telangana State, Pending disposal of the quash petition before this Honorable court .

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Dr CHALLA SRINIVASA REDDY ,Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.2370 of 2022

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings in P.O.R.No.20/OR/21-22/KGM of Kothagudem Forest Range Police Station, Kothagudem district, registered for the offences under Sections 20(1)(c)(ii)(v)(vii) of T.S. Forest Act and Section 3 of PDPP Act. The petitioner herein is sole accused in the said Crime.

2. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the Record. With their consent this Criminal Petition is disposed of, at the admission stage.

3. Perusal of the record would reveal that the petitioner herein is claiming that he has purchased the subject property under a registered sale deed bearing document dated 07-05-2010 from one Malothu Harilal and thereafter

he sold the said property to one M. Mohan Rao under un-registered sale deed dated 04-11-2016.

4. According to learned counsel, petitioner has constructed house long back and he has been paying property tax to the Gram Panchayat, Laxmidevipally, Kothagudem District and in proof of the same he has filed tax receipts. The allegation against the petitioner herein is that he has trespassed into the Forest land leveled soil and constructed a house illegally in an area of 0.04 Hectors. Thus, there are several factual aspects to be investigated into by the Investigating Officer during the course of investigation. The punishment prescribed for the offences alleged against the petitioners is below 7 years.

5. In view of the said discussion, this Criminal Petition is disposed of, directing the Investigating Officer in P.O.R.No.20/OR/21-22/KGM of Kothagudem Forest Range Police Station, Kothagudem district, to strictly follow the procedure prescribed in Section 41-A of Cr.P.C. and also

the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**¹. The petitioner shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

//TRUE COPY//

Sd/-T.JAYASREE
ASSISTANT REGISTRAR
Chm
SECTION OFFICER

To,

1. The P.O.R No.20/0R/21- 2022/KGM of Kothagudem Forest Range, Police Station Kothagudem Division, Kothagudem District, (Old Khammam District), Telangana State.
2. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to SRI, Dr CHALLA SRINIVASA REDDY Advocate [OPUC]
4. Two CD Copies
5. One Spare Copy

CDL
HW

¹ (2014) 8 SCC 273



HIGH COURT

DATED:15/03/2022

ORDER

CRLP.No.2370 of 2022

DISPOSING OF THE CRIMINAL PETITION

⑦
25/4/22
HVR