

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.8964 OF 2014

ORDER:

The petition, under Section 482 of the Code of Criminal Procedure (*for short the 'Cr.P.C'*), has been filed by the Accused Nos. 1 to 6 in F.I.R. No.141 of 2014 of Peddapalli police station, Karimnagar, registered for the offences under Section 3(1)(iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 420, 447, 506 r/w. Section 34 of the Indian Penal Code, 1860 (*for short the 'I.P.C'*), with a prayer to quash the crime/FIR and all the consequential proceedings against them.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor.

3. The case of the complainant/2nd respondent in brief is that, his father purchased land admeasuring Acres 1.21 guntas in 556 of Peddapalli Village from the land lord for valid sale considerate and the names were also mutated. However, the petitioners/accused in connivance with the legal representatives of the original owner got entered their names in the revenue record. Further contended that, on 02.06.2014, the petitioners/accused trespassed into the land and threatened dire consequences.

4. Learned counsel for the petitioners would submit that the petitioners purchased the disputed land from its owner and in due process their names were entered in the revenue records. Further, the other allegations are un-substantiated by any evidence and this false case is foisted in the backdrop of existing civil disputes. That being so, continuance of the proceedings would be abuse of process hence prayed for quashment of the crime proceedings.

5. Learned Assistant Public Prosecutor would submit that there are specific allegations in the complaint as to cheating, criminal trespass and criminal intimidation. An investigation is required to verify the contentions. Therefore, scuttling the matter at the stage of inception may cause injustice particularly, as the de-facto complainant is protected under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

6. Perused the materials. Ex-facie, the complaint is referring certain allegations against the petitioners which are within the ambit of the penal provisions. The veracity or otherwise cannot be determined in the present proceedings. Thus, in the presence of prima facie case no tenable ground is found to interfere with the investigation.

7. However, having regard to the fact that the offense alleged against the petitioners are punishable with imprisonment which may extend to seven years, directing the investigating agency to continue with the investigation, however, without resorting to overbearing measures until the petitioners cooperate with the investigation.

8. With this observation, this Criminal Petition is dismissed.

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

N. TUKARAMJI, J

Date: 25.11.2022

Plp

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