

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.3267 OF 2022

ORDER :

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners/A2 & A3 to quash the proceedings against them in C.C.No.2162/2018 on the file of I Additional Junior Civil Judge-cum-XXI Metropolitan Magistrate, Cyberabad at Medchal. The offences alleged against them are under Sections 447, 427, 506 r/w.34 of the Indian Penal Code.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for respondent State. Perused the record.

3. The 1st respondent/defacto complainant filed complaint stating that these petitioners have trespassed into his premises which he purchased by way of notarized agreement of sale for a valid sale consideration. Several attempts were made by these petitioners to stop construction, however, the petitioners demolished the room of the 1st respondent by removing windows and threatened him with dire consequences stating that the land belongs to a Church.

4. Learned Counsel for the petitioners would submit that the land belongs to the Government and the 1st respondent has illegally trespassed into the premises. He further submits that a case was filed by the 1st petitioner herein against the vendor of the 1st respondent and keeping in view the criminal complaint, a false complaint was lodged against these petitioners.

5. The allegations against these petitioners is that they have demolished the room constructed by the 1st respondent and further even according to the petitioners, the land does not belong to 1st respondent.

6. In the said circumstances, there are no grounds to interfere in the present petition filed under Section 482 of Cr.P.C. All the defence that is available can be agitated before the concerned trial Court.

7. Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 10.02.2023
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THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.4381 OF 2021

Dt. 10.02.2023

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