

HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.7913 and 7974 OF 2022

COMMON ORDER:

1. Criminal Petition No.7913 of 2022 is filed by the petitioners/A1 to A3 seeking to quash the proceedings against them in C.C.No.623 of 2019 on the file of Principal Judicial First Class Magistrate at Ramannapet, which is arising out of complaint of 2nd respondent/*defacto* complainant dated 30.08.2019.

2. Criminal Petition No.7974 of 2022 is filed by the petitioner/Accused seeking to quash the proceedings against them in C.C.No.203 of 2020 on the file of Principal Judicial First Class Magistrate at Ramannapet, which is arising out of complaint of 2nd respondent/*defacto* complainant dated 31.01.2020.

3. Since both the complaints are made by the same *defacto* complainant against accused in which A1/Pathlavath Kishan is common and the allegation of criminal trespass in both the cases are on two different dates, which alleged trespass had taken place twice in the land of the 2nd respondent's wife, they are being heard together and disposed by way of this Common Order.

4. The case of the 2nd respondent is that his wife is the land owner in Sy.No.136/AA and 136/E. There are disputes in respect of the said land between the 2nd respondent and the accused. There was constant quarrelling that had taken place. During the course of investigation, it was found that the 2nd respondent's wife purchased the said land of Acs.4.00 in the year 2015 and her name was entered in the revenue records and pass book was issued in her name and they are in possession of the said land. For trespassing on 29.01.2020 by the accused, crime No.10/2020 was registered and for trespassing on 29.08.2019, crime was registered as FIR No.95 of 2019. The police having found that the land belongs to 2nd respondent's wife filed charge sheet for criminal trespass and mischief.

5. Learned counsel for the petitioners/accused would submit that false and baseless allegations are made with respect to criminal trespass. Though the transactions are purely civil in nature, the 2nd respondent has deliberately filed false complaints against the accused.

6. The police during investigation found that the 2nd respondent's wife had purchased the land and they are in possession since the year 2015. Though there are civil disputes pending against petitioners, since the investigation reveals that the 2nd respondent's wife was in possession having valid title over the said property, *prima facie* an allegation of criminal trespass and mischief is made out against the accused. For the said reason, there are no grounds to interfere with the criminal proceedings.

7. These observations are at the inception, even without trial, for the said reason, learned Magistrate shall proceed without being influenced by the observations in the present application and adjudicate on the basis of the evidence adduced during the course of trial, after giving an opportunity to both the parties during evidence.

8. Accordingly, Criminal Petitions are dismissed. Consequently, miscellaneous petitions, if any, shall stand dismissed.

K.SURENDER, J

Date: 14.02.2023
kvs

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