

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE K. SURENDER

CRIMINAL PETITION NO: 8360 OF 2018

Between:

Podili Anjamma W/o. Ramnarayana, R/o. H.No.15-7-407, Rotary Nagar Khammam
and District.

...PETITIONER/ACCUSED

AND

1. Bijjala Hymavathi W/o. Janardhan Rao, R/o.9-11-82, Kaman Bazar, Khammam
Town and District.

....RESPONDENT/DEFACTO COMPLAINANT

2. The State of AP, rep.by its P.P., High Court of A.P, 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 in C.C.No.680/2015 on the file of the court of the II Addl. Judicial First Class Magistrate, Khammam which arose out of Cr.No.61/2014 of Khanapuram Haveli Police Station, Khammam District

I.A. NO: 1 OF 2018

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 the appearance of the petitioner in C.C.No.680/2015 on the file of the court of the II Addl. Judicial First Class Magistrate, Khammam which arose out of Cr.No.61/2014 of Khanapuram Haveli Police Station, Khammam District, 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 Dr Challa Srinivasa Reddy, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.8360 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-accused seeking to quash the proceedings against her in C.C.No.680 of 2015 on the file of the II Addl. Judicial First Class Magistrate, Khammam. The offence alleged against her is punishable under Section 420 of Indian Penal Code.

2. Heard learned counsel for the petitioner - accused and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. Respondent No.2 filed a complaint alleging that she has purchased certain extent of land from this petitioner on 20.04.1988 through registered sale deed document bearing No.2740 of 1988. However, on 23.02.2013, she came to know that the boundaries covered under the registered sale deed are different with that of existing land.

4. Learned counsel for the petitioner submits that the land was again sold by the de facto complainant.

5. The registered sale deed is of the year 1988. The complaint was lodged after a period of 25 years stating that the boundaries did not tally. However, it is not mentioned in the complaint as to what were the boundaries which were earlier and what are the boundaries which did not tally. After a lapse of nearly 25 years, there is a possibility of the adjoining owners changing and also the description of boundaries. Keeping in view the delay of nearly 25 years in lodging the complaint, this Court deems it appropriate to quash the proceedings, more so when none of the ingredients of Section 420 of IPC are made out. It is not the case that the petitioner did not possess the land or that possession was not handed over.

6. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.680 of 2015 on the file of the II Addl. Judicial First Class Magistrate, Khammam, are hereby quashed against the petitioner/accused.

Miscellaneous applications pending, if any, shall stand closed.

SD/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

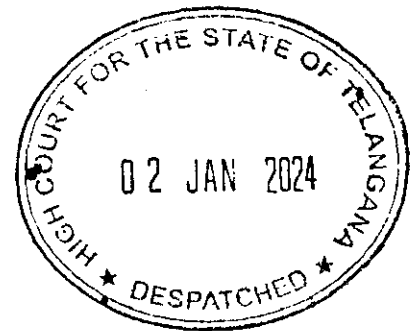
To,

1. The II Additional Judicial First Class Magistrate, Khammam
2. The Station House Officer, P. S. Khanapuram Haveli, Khammam District.
3. One CC to Dr Challa Srinivasa Reddy Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana. [OUT]
5. Two CD Copies

MBC
GJP
Pmg

HIGH COURT

DATED: 14/11/2023



ORDER

CRLP.No.8360 of 2018

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

*(S) pmg
28/12/23.*