

THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY

Criminal Petition No.3427 of 2023

ORDER:-

The Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner herein/A2, seeking to quash the proceedings in C.C.No.336 of 2018 on the file of the learned V Additional District Munisif Magistrate, Tirupati.

2. A charge sheet has been filed against the petitioner herein and others for the offences punishable under Sections 447 and 506 read with 34 IPC.

3. Case of the prosecution, in brief, is that on 04.03.2015 at 9 a.m. the accused are alleged to have trespassed into the land belonging to the defacto complainant and tried to close the well with the help of two JCBs and ploughed the mango garden with tractors. The accused further threatened the defacto complainant with dire consequences because of the land disputes.

4. Learned counsel for the petitioner contended that the subject land belongs to the petitioner herein. In support of his

contention he relied upon certain documents of the year 2014 which go to show that land in Survey No.388/3 is in the name of petitioner herein. Apart from it, no other contention has been raised before this Court.

5. On the other hand, learned counsel appearing on behalf of the respondent No.2 submitted that the document which has been relied upon by the learned counsel for the petitioner is of the year 2014. Truth or otherwise of the said document has to be decided during the course of trial. In a petition under Section 482 Cr.P.C. this Court is not entitled to look into the said documents at this stage.

6. Learned Assistant Public Prosecutor, too concurred, with the submission made by the learned counsel for 2nd respondent.

7. Heard. Perused the record.

8. A perusal of record goes to show that the offence alleged is said to have taken place in the land belonging to the defacto complainant which is in the fields of Vemuru Village in Survey No.388/3, Tirupati Rural Mandal within the limits of Tiruchanur Police Station. It is alleged that on 04.03.2015 at 9 a.m., the accused are alleged to have trespassed into the land belonging to

the defacto complainant and tried to close the well with the help of two JCBs and ploughed in the mango garden with tractors. Further, the accused threatened the defacto complainant with dire consequences because of the land dispute. Hence, the defacto complainant resorted in filing the present complaint. Upon receipt of the complaint, police have registered a case in Crime No.57 of 2015 of Tiruchanur Police Station for the offences punishable under Sections 447 and 506 read with 34 IPC. The document on which the learned counsel for the petitioner is relying upon is of the year 2014. At this stage, the defense urged by the learned counsel for the petitioner cannot be looked into and these are the matters which have to be established after full-fledged trial. Relying upon some document and coming to a conclusion that the incident as suggested by the prosecution did not happen, ought not to be tenable. A perusal of the charge sheet goes to show that it has been categorically mentioned that the accused are alleged to have trespassed into the land belonging to the defacto complainant with two JCBs and tractors and tried to close the well. It is further stated that the accused are alleged to have threatened the defacto complainant with dire

consequences. When there are specific accusations made to that extent, this Court in a petition under Section 482 Cr.P.C., would not be in a position to conduct roving enquiry into the disputed questions of fact and quash the proceedings at this stage.

9. Accordingly, the Criminal Petition is dismissed. However, since the complaint is of the year 2015 and the Chare sheet has been numbered in the year 2018, the learned V Additional District Munisif Magistrate is directed to dispose of the said CC in accordance with law within a period of four (4) months from the date of receipt of a copy of this order.

10. As a sequel thereto, the miscellaneous applications pending, if any, in this Criminal Petition shall stand closed.

JUSTICE K. SREENIVASA REDDY

Date:07.08.2023
Asr

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