



2025:TSHC:8671

[3384]

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

**MONDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI

CRIMINAL PETITION NO: 893 OF 2025

Between:

Gampala Raghava Reddy, S/o. Late Laxma Reddy, Age. 70 years, Occ. Agriculture, N/o. Bhogaram Village, Ramannapet Mandal, Yadadri- Bhongiri District, R/o. Flat No. 102, Green Meadows Apartment, Spike A Autonagar, Opp: BSNL Office, Vanasthalipuram, Ranga Reddy District.

...Petitioner/Accused No.3

AND

1. The state of Telanaga, Represented by Public Prosecutor, High Court, Hyderabad.
2. The SHO, Police Station, Ramannapet Village and Mandal, Yadadri-Bhuvanagiri District.
3. Gampala Jagan Mohan Reddy, S/o. Late Ramachandra Reddy, Age. 83 years, Occ. Agriculture, R/o. Bhogaram Village, Ramannapet Mandal, Yadadri-Bhongiri District.

...Respondents/Defacto-Complainant

Petition under Section 528 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 Criminal Proceedings against the petitioners in Charge sheet No.445 of 2024 dated 20-06-2024 pending on the file of the Court of the Hon'ble Addl.Judicial First Class Magistrate, at Ramannapet in the interest of justice

I.A. NO: 1 OF 2025

Petition under Section 528 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/Accused No.3 in C.C.No.445 of 2024 dated 20-06-2024 pending on the file of the Court of the Addl.Judicial First Class Magistrate, at Ramannapet till pending disposal of the above criminal petition



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This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SREENIVASA RAO RAVULAPATI, Advocate for the Petitioner and the Asst. Public Prosecutor (TG) on behalf of the Respondent No. 1,

The Court made the following: ORDER



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THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

CRIMINAL PETITION No.893 OF 2025

ORDER:

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') by petitioner/accused No.3 to quash the proceedings against him in C.C.No.445 of 2024, dated 20.06.2024, on the file of Addl. Judicial First Class Magistrate, at Ramannapet, for the offences punishable under Sections 120(B), 419, 420, 468, 471 read with Section 34 of Indian Penal Code (for short 'IPC').

2. Heard Mr. R.Sreenivasa Rao, learned counsel for petitioner/accused No.3, and Ms. S.Madhavi, learned Assistant Public Prosecutor for respondent No.1-State.

3. FIR was registered on 07.06.2023 against accused Nos.1 to 4 on a complaint of respondent No.3/*de facto* complainant alleging conspiracy, cheating, forgery, impersonation, using false documents as genuine in the year 2014. Petitioner is accused No.3 in the complaint. It is averred in the complaint that accused Nos.1 to 4 are



relatives of complainant, entered into a criminal conspiracy with an intention to cause loss to the complainant with regard to property (as described in the complaint). It is further averred that on the basis of forged and fabricated documents, Tahsildar issued proceedings in favour of accused, issued 13-B certificate, pattadar passbook and title deeds, without the consent and knowledge of complainant. It is also averred that revenue authorities are in collusion with accused Nos.1 to 4. Hence, the complaint.

4. Learned counsel for petitioner/accused No.3 submitted that petitioner is in no way involved in fabrication and forgery of documents and there was no intention to cheat the complainant. It is further submitted that there are no specific allegation(s) in complaint against petitioner and no overt acts are attributed with respect to any of the allegations. It is also submitted that petitioner/accused No.3 is aged 70 years and is ready and willing to cooperate with the proceedings.

5. Learned counsel further submitted that a private complaint was filed under Section 200 Cr.P.C., for the



offences under Sections 120-B, 205, 409, 420, 468 read with Section 34 IPC. Learned counsel placing reliance on the judgment of the Apex Court in ***Mrs. Priyanka Srivastava and Another v. State of U.P. and Others***¹ submitted that a complaint under Section 200 Cr.P.C., presented to the competent Court has to be presented with an affidavit of the complainant, that the said affidavit is not filed. That, in spite of there being no affidavit, Additional Judicial First Class Magistrate at Ramannapet has forwarded the complaint to the concerned Police Station, which is not proper in the light of the judgment of the Apex Court. Today, a copy of the said complaint is placed before this Court and it is stated across the Bar that no affidavit is filed, along with the complaint.

6. Learned Assistant Public Prosecutor for respondent No.1-State submitted that offences are grave in nature and that charge sheet is filed and proceedings are at the stage of appearance. It is further submitted that no interference is necessitated as conspiracy, cheating, forgery, impersonation, using false documents as genuine, are the offences against

¹ 2015 (6) SCC 287

accused Nos.1 to 4, that petitioner is accused No.3, and is an accomplice in the criminal conspiracy.

7. Heard learned counsels, perused the record and considered the submissions.

8. FIR bearing No.125 of 2023 dated 07.06.2023 came to be lodged on forwarding of a private complaint of respondent No.3 (*de facto* complainant) alleging that petitioner/accused No.3 was an accomplice in the criminal conspiracy in obtaining proceedings No.A/116/2014 dated nil.01.2014. It is averred in the complaint that accused Nos.1 to 4 managed the revenue authorities, showed as if they acquired the entire land of one Late Gampala Rajalingamma in partition without consent of complainant and without giving or allotting a share. It is further averred that after the proceedings, accused Nos.1 to 4 were issued 13-B Certificate, patta passbooks and title deeds on the basis of forged and fabricated documents. It is averred that on 05.03.2022, when *de facto* complainant was at his fields, accused Nos.1 to 4 along with others tried to occupy the land and entered into an altercation and threatened the



complainant with dire consequences and that immediately he gave a complaint to the police and police failed to take steps. Charge sheet dated 20.06.2024 is filed, in the charge sheet, a table is shown of proceedings of Tahsildar transferring properties in the name of nine persons in various survey numbers for different extents of lands. In the table, the petitioner i.e., Gampala Raghava Reddy's name is shown at Serial No.5, against whom land admeasuring Ac.1.02½ guntas in six survey numbers is transferred.

9. Though it is averred in the complaint that in March, 2022, the complainant was threatened with dire consequences, there is no whisper as to why the complainant kept quiet and has not taken any steps till 13.04.2022. There is a delay of more than one month in addressing a complaint under Section 200 Cr.P.C., and the delay has not been explained anywhere.

10. Be that as it may, learned counsel for petitioner/accused No.3, on instructions, stated that the petitioner/accused No.3 is willing to cooperate in the ongoing proceedings in the pending case before the competent Court



i.e., Additional Judicial First Class Magistrate at Ramannapet.

11. On consideration of the entire factual matrix and perusal of the record, it is observed that there are no specific allegations against petitioner i.e., accused No.3. Hence, this Court is of the opinion that presence of petitioner/ accused No.3 in C.C.No.445 of 2024 dated 20.06.2024 pending on the file of Additional Judicial First Class Magistrate at Ramannapet can be dispensed with and is dispensed with conditions.

12. It is made clear that petitioner/accused No.3 shall present himself before the learned Magistrate, if his presence is required. Petitioner/accused No.3 shall file an affidavit that he will not dispute his identity and that the proceedings may go on in his absence, to be conducted by his counsel. Learned counsel for petitioner/accused No.3 shall represent before the trial Court without fail on all dates. Petitioner/accused No.3 shall not dispute the proceedings conducted in his absence. This order shall stand vacated automatically, if petitioner fails to attend the proceedings as



and when summoned by Court and also when the counsel(s) representing petitioner/accused No.3 fails to attend Court proceedings on the dates. Any observations made in this order shall not influence the Court below while considering or concluding the case at the time of trial.

13. With the above observations, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR



SECTION OFFICER

To,

1. The Addl.Judicial First-Class Magistrate Court at Ramannapet.
2. The Station House Officer, Ramannapet Police Station, Yadhadri -Bhongir Dist.
3. One CC to SRI SREENIVASA RAO RAVULAPATI, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

SM





2025:TSHC:8671

HIGH COURT

DATED: 10/02/2025

ORDER

CRLP.No.893 of 2025



DISPOSED OF THE CRIMINAL PETITION

(8)

Kpr.
20/3/25