

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

**MONDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

CRIMINAL PETITION NO: 5449 OF 2025

Between:

Kotha Tharun Kumar, S/o. Kotha Jithender aged about 30 years, Occ. Govt. Service, R/o. H. No 2-60/2/12, Maheshwari Colony, Kachavanisingaram village, Ghatkesar Mandal, Medchal-Malkajgiri District.

...Petitioner/Accused

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court at Hyderabad for State of Telangana, Representing Medipally Medchal-Malkajgiri District.
2. Adluri Ram Kumar, S/o. Lingaiah, aged about 56 years, Occ. Deputy Executive Engineer, Telangana House Board, Central Division, Office at Gruhakalpa Building, Hyderabad.

...Respondents/Complainant

Petition under Section 528 of B.N.S.S praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records pertaining to the impugned charge sheet in C.C. No.66/2025 Special Judge for Social Welfare Scam Court at Hyderabad, for the offence U/Sec. 447 IPC, 3 of PDPP Act, as filed by the police based on the complaint of the 2nd respondent in FIR No. 1149/2023, and same may be quashed by exercising jurisdiction U/Sec. 528 of Bharatiya Nagarik Suraksha Sanhita Act, 2023 as against the petitioner

I.A. NO: 1 OF 2025

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 in C.C. No.66/2025 Special Judge for Social Welfare Scam Court at Hyderabad, for the offence U/Sec. 447 IPC, 3 of PDPP Act, as filed by the police based on the complaint of the 2nd respondent in FIR No. 1149/202 3 including its trial and appearance, pending disposal of main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M Damodar Reddy, Advocate for the Petitioner and Dr.Surepalli Prashanth, Additional Public Prosecutor on behalf of the Respondent No.1 and Sri Ch. Buchi Reddy, Standing Counsel for Telangana Housing Board, for Respondent No.2.

The Court made the following: ORDER

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

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

CRIMINAL PETITION No.5449 of 2025

23.03.2026

Between:

Kotha Tharun Kumar

...Petitioner

AND

The State of Telangana,
Represented by its Public Prosecutor,
High Court at Hyderabad for the State of Telangana,
Representing Medipally
Medchal-Malkajgiri District and another

...Respondents

ORDER:

This Criminal Petition is filed seeking to call for the records pertaining to the impugned charge sheet in C.C.No.66 of 2025 of learned Special Judge for Social Welfare Scam Court at Hyderabad, for the offence under Section 447 of IPC and Section 3 of PDPP Act as filed by the police based on the complaint of the 2nd respondent in FIR.No.1149 of 2023 and same may be quashed by exercising jurisdiction under Section 528 of Bharatiya Nagarik Suraksha Sanhita Act, 2023 as against the petitioner and pass such other order or orders which are necessary in the interest of justice.

2. Heard Sri M.Damodar Reddy, learned counsel for the petitioner, Dr.Surepalli Prashanth, learned Additional Public Prosecutor, for respondent No.1 - State and Sri Ch.Buchi Reddy, learned Standing Counsel for Telangana Housing Board, for respondent No.2. Perused the record.

3. The brief facts of the case are that the petitioner purchased Plot No.12 in Sy.No.67 through a registered sale deed dated 29.12.2022. The vendor had earlier obtained permission from the Grampanchayat in the year 2016 and subsequently secured regularization from HMDA in the year 2022, after a survey confirmed that the plot is situated in Sy.No.67. Based on the same, the petitioner obtained construction permission dated 15.05.2023. During the course of construction, the 2nd respondent attempted to interfere and stop the construction, upon which the petitioner approached this Court and obtained an interim order in W.P.No.15166 of 2023, dated 15.06.2023. Thereafter, the petitioner completed the construction and is presently residing in the said house along with his family. It is stated that the 2nd respondent (Housing Board) is concerned only with land in Sy.No.66 and has no right over any part of the land in Sy.No.67. Therefore, a false case of trespass has been foisted against the petitioner, and the police, without conducting proper investigation, have filed the impugned charge sheet. Despite the pendency of the civil/administrative

dispute, the police registered FIR No.1149/2023 and filed a charge sheet in C.C.No.66/2025 for the offences under Section 447 IPC and Section 3 of the PDPP Act.

4. The main grievance of the petitioner is that his property is situated in Sy.No.67 and not in Sy.No.66 of the 2nd respondent. It is contended that the issue pertains to alleged encroachment, which is civil in nature and is already pending adjudication before the competent authority. It is further contended that the police failed to conduct a proper enquiry and did not consider the petitioner's documents and reply submitted under Section 41-A Cr.P.C. Therefore, initiation of criminal proceedings prior to adjudication of the civil dispute is arbitrary and amounts to abuse of process of law.

5. Learned Standing Counsel for Telangana Housing Board for respondent No.2 submits that M/s. Deccan Infrastructure & Land Holdings Ltd. (DILL), a subsidiary of the A.P.Housing Board is the absolute owner and possessor of Ac.58-00 Gts. (actual Ac.58.24 Gts.) in Sy.No.66, having acquired the same through a registered sale deed dated 12.01.2008 after the Government alienated the land to the Housing Board in 2007. The petitioner, though claiming ownership of Plot No.12 in Sy.No.67, was found on 02.05.2023 to be undertaking construction and borewell activity by encroaching into DILL's land in Sy.No.66. A survey conducted by the Mandal Surveyor on

08.06.2023 confirmed that the petitioner's construction falls partly in Sy.No.66 (95 sq. yards) and partly in Sy.No.67 (63.67 sq. yards), thereby establishing encroachment into DILL land. It is contended that permissions obtained by the petitioner relate only to Sy.No.67 and do not authorize occupation of Sy.No.66, and that civil proceedings do not bar criminal liability for trespass. It is further stated that the petitioner suppressed material facts, including the survey report, and continued construction despite knowledge of encroachment, and therefore submits that the police, after due enquiry, have rightly filed the charge sheet and the petition is liable to be dismissed.

6. Considering the submissions made by both learned counsel, this Court finds that the Mandal Surveyor's report dated 08.06.2023 indicates that part of the petitioner's construction (95 sq. yards) encroaches upon DILL's land in Sy.No.66, whereas the petitioner owns only Plot No.12 in Sy.No.67. Therefore, this Court is of the opinion that the matter concerns land boundaries and ownership, which constitute primarily a civil/administrative dispute, and the petitioner should approach the competent civil authority for adjudication of rights and possession.

7. Accordingly, the Criminal Petition is disposed of. However, petitioner is at liberty to approach the competent civil court for adjudication of rights.

Miscellaneous petitions, if any, pending shall stand closed.

Sd/-C.DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

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To,

SECTION OFFICER

1. The Special Judge for Social Welfare Scam Court at Hyderabad
2. The Station House Officer, Police Station Medipally, Rachakonda
3. One CC to Sri M Damodar Reddy Advocate [OPUC]
4. One CC to Sri Ch. Buchi Reddy, Standing Counsel for Telangana Housing Board [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

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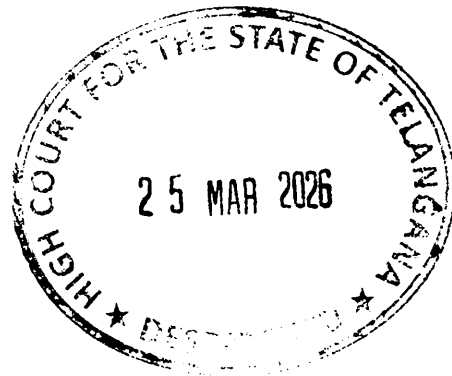
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HIGH COURT

DATED: 23/03/2026

ORDER

CRLP.No.5449 of 2025



DISPOSING OF THE CRIMINAL PETITION

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25/03/26
D.K.