

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWELFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION NOS: 7410, 7476 AND 8989 OF 2023

CRIMINAL PETITION NO: 7410 OF 2023

Between:

1. Sri. Chinna Bandyala Bal Reddy, S/o. Jangha Reddy, aged. 74 years, Caste. Reddy, Occ. Agriculture, R/o. Pedda Revally Village, Balanagar Mandal, Mahaboobnagar District.
2. Sri. Bandyala Tirupathi Reddy, S/o. Ram Reddy, aged. 39 years, Occ. Agriculture, R/o. Pedda Revally Village, Balanagar Mandal, Mahabubnagar District.

...PETITIONERS/ACCUSED No.1 and 2

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court at Hyderabad for the State of Telangana.
2. Sri.C. Bandyala Ram Reddy, S/o. Ramachandra Reddy, aged. 44 years, Caste. Reddy, Occ. Agriculture, R/o. Pedda Revally Village of Balanagar Mandal, Mahabubnagar District

...RESPONDENTS/COMPLAINANTS

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. 58 of 2021 on the file of the Judicial First Class Magistrate at Jadcherla, against the Petitioners/Accused.

I.A. NO: 2 OF 2023

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 personal appearance of the Petitioner/Accused in C.C. No. 58 of 2021 on the file of Judicial First Class Magistrate at Jadcherla, pending disposal of main criminal petition and to pass.

CRIMINAL PETITION NO: 7476 OF 2023

Between:

Sri. Bandhyala Thirupathi Reddy, S/o. CB Bal Reddy, aged. 42 years, Caste. Reddy, Occ. Business, R/o. Peddarevally Village, Balanagar Mandal.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court at Hyderabad for the State of Telangana.
2. Sri. Bandyala Ram Reddy, S/o. Ramachandra Reddy, aged. 44 years, Caste. Reddy, Occ. Agriculture, R/o. Pedda Revally Village of Balanagar Mandal, Mahabubnagar District.

...RESPONDENTS/COMPLAINANTS

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. 313 of 2020 on the file of the Judicial Magistrate of First Class at Jadcherla, against the Petitioner/Accused and pass.

I.A. NO: 1 OF 2023

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 personal appearance of the Petitioner in C.C. 313 of 2020 on the file of the Judicial First Class Magistrate at Jadcherla, against the Petitioner/Accused, pending disposal of main criminal petition and to pass.

CRIMINAL PETITION NO: 8989 OF 2023

Between:

1. Sri. Chinna Bandyala Bal Reddy,, S/o.Jangha Reddy, aged. 74 years, Caste. Reddy, Occ. Agriculture, R/o. Pedda Revally Village, Balanagar Mandal, Mahaboobnagar District.
2. Sri. Bandyala Tirupathi Reddy,, S/o. Ram Reddy, aged. 39 years, Occ. Agriculture, R/o. Pedda Revally Village, Balanagar Mandal, Mahabubnagar District.

...PETITIONERS/ACCUSED No.1 and 2

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court at Hyderabad for the State of Telangana.
2. Sri.C. Bandyala Ram Reddy,, S/o. Ramachandra Reddy, aged. 44 years, Caste. Reddy, Occ. Agriculture, R/o. Pedda Revally Village of Balanagar Mandal, Mahabubnagar District.

...RESPONDENTS/COMPLAINANTS

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. 56 of 2021 on the file of the Judicial First Class Magistrate at Jadcherla, against the Petitioners/Accused and to pass.

I.A. NO: 2 OF 2023

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 personal appearance of the Petitioners/Accused in C.C. No.56 of 2021 on the file of the Judicial First Class Magistrate at Jadcherla, pending disposal of main criminal petition and to pass.

These Petitions coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petitions and upon hearing the arguments of M/s CHANDRASEN LAW OFFICES, Advocate for the Petitioner and Sri M.Vivekananda Reddy, the Assistant Public Prosecutor on behalf of the Respondent No.1 and SRI RAPOLU BHASKAR, for the Respondent No.2.

The Court made the following: COMMON ORDER

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION Nos.7410, 7476 and 8989 of 2023

COMMON ORDER:

Crl.P.Nos.7410 and 8989 of 2023 are filed seeking to quash the proceedings in C.C.Nos.58 and 56 of 2021, on the file of the Judicial First Class Magistrate, Jadcherla, wherein the petitioners were arrayed as accused Nos.1 and 2 for the offences punishable under Sections 447, 427, 504 and 506 r/w 34 of the Indian Penal Code, 1860 (for short, 'IPC') and Crl.P.No.7476 of 2023 is filed seeking to quash the proceedings in C.C.No.313 of 2020, on the file of the Judicial First Class Magistrate, Jadcherla, wherein the petitioner was arrayed as sole accused for the offences punishable under Sections 447, 341, 504 and 506 r/w 34 of the IPC. Hence, all these cases are clubbed together and disposed by way of common order.

2. Heard Ms.D.Harshitha, learned counsel, representing Chandrasen Law Offices, appearing on behalf of petitioners, Mr.M.Vivekananda Reddy, learned Assistant Public Prosecutor appearing on behalf of respondent No.1 and Mr.B.Venkat, learned

counsel, representing Mr.Rapolu Bhaskar, learned counsel appearing on behalf of respondent No.2.

3. Learned counsel for the petitioners submits that the petitioners have not committed the alleged offences and they have been falsely implicated in the present cases as accused. Even according to the allegations made either in the complaint or in the charge sheet, the dispute pertains to agricultural land, and the said allegations are purely civil in nature. The respondent No.2 has no right or interest in respect of the subject property claimed in the complaint, especially he is claiming rights basing upon revenue entries only. She further submitted that aggrieved by the order dated 30.12.2019, passed by the Joint Collector, Mahabubnagar, in Revision Case No.D1/60/2018—File No.Rev/D1/Ro⁹R/Revn/0060/2018, the petitioners have approached this Court and filed W.P.No.4878 of 2020, and this Court disposed of the said writ petition on 30.12.2019 by setting aside the order passed by the revisional authority in Case No.D1/60/2018, leaving it open to the parties to agitate their grievances before the competent Civil Court by instituting a comprehensive suit for declaration.

4. Learned counsel further submitted that the petitioners have filed O.S.No.39 of 2019 on the file of the Senior Civil Judge, Mahaboobnagar, seeking partition and allotment of their respective shares with metes and bounds, and the said suit is still pending between the parties and in the said suit, the property claimed in these criminal petitions was also included. Hence, continuation of the proceedings against the petitioners is a clear abuse of the process of law. In support of her contentions, she relied upon the Judgment of the High Court of Karnataka in *Shivaswamy and Others v. The State of Karnataka and Others*¹.

5. *Per contra*, learned counsel for respondent No.2 submitted that the petitioners, without having any manner of right, trespassed into the lands of respondent No.2 and removed the khaddies and caused financial losses and there are specific allegations levelled against them in the complaint. He further submitted that the Investigating Officer, after recording the statements of the witnesses, filed a final report, and the learned Magistrate, has taken cognizance for the alleged offences levelled against them. Whether the petitioners have committed the said offences or not has to be

¹ 2022(3) Crimes 102(Karnt.)

revealed after a full-fledged trial before the trial Court. The grounds raised by the petitioners are disputed facts only and the same cannot be decided in the present petitions. Hence, the petitions are liable to be dismissed.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioners have approached this Court and filed W.P.No.4878 of 2020, aggrieved by the order dated 30.12.2019 passed by the Joint Collector in Revision Case No.D1/60/2018-File No.Rev/D1/RoR/Revn/0060/2018, and the consequential order dated 05.02.2020 in RoR/20-B/588/2017 passed by the Tahsildar, Balanagar Mandal, Mahabubnagar District, as well as the computerized and uploaded 1B² Form (RoR) dated 06.02.2020. This Court disposed of the said writ petition on 02.12.2024, by setting aside the order passed by the revisional authority in Case No.D1/60/2018, dated 30.12.2019, leaving it open to the parties to agitate their grievances before the competent Civil Court by instituting a comprehensive suit for declaration and further observed that the revenue authorities are not conferred with the power to examine the rights of inter se parties when the dispute

relates to title. The record further reveals that the petitioners have filed a suit in O.S.No.39 of 2019 on the file of the learned Senior Civil Judge, Mahaboobnagar, seeking partition with metes and bound, and allotment of respective shares. According to the learned counsel for the petitioners, the aforesaid suit is still pending. In the said suit, the property claimed by respondent No.2 in the present criminal petitions has also been included and respondent No.2 has been made as a party defendant.

7. The specific case of the petitioners is that respondent No.2 is claiming rights over the subject property based on revenue entries, particularly the order dated 30.12.2019 passed by the revenue authorities in favour of respondent No.2, was set aside by this Court in W.P.No.4878 of 2020, by order dated 02.12.2024, and the same has become final. Whether the petitioners are entitled to a share in the schedule property is the subject matter of the suit in O.S.No.39 of 2019, and the same is still pending.

8. In *Shivaswamy's case* (supra), the High court of Karnataka quashed criminal proceedings under Sections 143, 427, 447, 448 and 506 r/w 149 IPC, holding that the complaint filed after seven months was a misuse of criminal law arising from a purely civil

property dispute. It further noted that earlier writ proceedings had conclusively recognized the petitioners' lawful possession, and since criminal trespass under Sections 441 and 447 IPC requires the complainant to be in actual possession, the basic ingredients of trespass and mischief were absent. Consequently, the dependent allegations under Sections 448, 506, and 143 IPC also could not survive, and continuation of the criminal case was held to be an abuse of process.

9. In the case on the hand the dispute between the parties pertains to title and possession and is already the subject of a comprehensive civil suit in O.S.No.39 of 2019. When the very question of ownership and possession is sub judice before the Civil Court, allegations of trespass or related offences cannot stand.

10. For the foregoing reasons, this Court is of the considered view that the continuation of proceedings against the petitioners in C.C.Nos.58 of 2021, 313 of 2020, and 56 of 2021 on the file of the Judicial First Class Magistrate, Jadcherla, is clear abuse of the process of law and, therefore, the same are liable to be quashed and accordingly quashed.

11. Accordingly, the Criminal Petitions are allowed. It is made clear that any of the observations made in this order are only confined for the purpose of deciding these cases.

Pending miscellaneous applications, if any, shall stand closed.

SD/- N.CHANDRA SEKHAR RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Jadcherla
2. The Station House Officer, Police Station, Balanagar, Mahabubnagar Dist
3. Two CCs to the PUBLIC PROSECUTOR, High Court at Hyderabad. (OUT)
4. One CC to SRI CHANDRASEN LAW OFFICES Advocate [OPUC]
5. One CC to SRI RAPOLU BHASKAR, Advocate [OPUC]
6. Two CD Copies

TPK/PSL

HIGH COURT

DATED:12/11/2025



COMMON ORDER

CRLP.Nos.7410, 7476 and 8989 of 2023

CRIMINAL PETITIONS ARE ALLOWED

QMT
20/11/25