

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

**THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 11551 OF 2025

Between:

Thota Vinod, S/o Srihari, Aged about 39 years, Occ. Business, R/o H.No.6-178/5, Luxettipet Village, Luxettipet Mandal, Mancherial District, PIN 504215.

...Petitioner/Accused

AND

1. The State of Telangana, through, PS Jaipur, Mancherial District, Rep. by Public Prosecutor, High Court, Hyderabad. **...Respondent / No.1**
2. Gullapalli Radha, W/o Gullapalli Suryanarayana, Aged about 54 years, Occ. Housewife, R/o H.No.3-84, Near Gram Panchayat Office, Tekumatla Village, Jaipur Mandal, Mancherial District, PIN 504216.

...Respondent-No.2/ Defacto Complainant

Petition under Section 528 of BNSS 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 CC No.39 of 2024, pending on the file of Judicial First Class Magistrate, Chennur, arising out of Crime No. 185 of 2023, U/Sec. 290, 341, 504 of IPC, by PS Jaipur, Mancherial District.

I.A. NO: 1 OF 2025

Petition under Section 528 of BNSS, praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to **stay** of all further proceedings including the appearance of the Petitioner/Accused, in CC No.39 of 2024, pending on the file of Judicial First Class Magistrate, Chennur, arising out of Crime No. 185 of 2023, U/Sec. 290, 341, 504 of IPC, by PS Jaipur, Mancherial District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr K. SUNIL,

Advocate for the Petitioner and Mr. JITHENDER R/O VEERAMALLA, the Additional Public Prosecutor on behalf of Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE Smt.JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.11551 of 2025

ORDER:

This Criminal Petition is filed by the petitioner-accused seeking to quash the proceedings in CC No.39 of 2024 on the file of the Judicial Magistrate of First Class, Chennur, Mancherla District, for the offences under Sections 341, 290 and 504 IPC.

2. Heard Sri K. Sunil, learned counsel for the petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor for the respondent-State.

3. The case of the prosecution is that LW.2 and the accused had disputes with regard to selling of rice mill of LW.2 as the accused purchased the same by paying Rs.39.00 lakhs to LW.2, but he could not effect registration in favour of the accused. Since then, the disputes arose between them. The accused demanded LW.2 to return his money, went to the house of LW.2 and while the de facto complainant herein (wife of LW.2) was making rangoli in front of the house, he went there and pushed her aside and attacked on her by throwing eggs in front of her house by creating nuisance and when the de facto complainant told the matter to her husband (LW.2) and made calls to 100, the accused fixed the bolt of their gate and

wrongfully restrained them inside the house and at about 10.00 p.m. again he came there and thrown eggs in front of their house and also on the next day, he has thrown feces in front of their house making them to leave the house. Thus, charge sheet is filed against the accused for the offences under Sections 341, 290 and 504 IPC.

4. The learned counsel for the petitioner has submitted that it is a false case filed against the petitioner by the de facto complainant and that if at all the petitioner has paid money to the husband of the de facto complainant and if they have not registered or handed over the property in his name, he could have filed a suit for specific performance. He further submitted that the petitioner has entered into an agreement of sale on 23.11. 2020 with the respondent No.2 and her husband for M/s. Mahalaxmi Rice Mill, along with a Bolero vehicle for Rs.79,20,000/- and that he paid Rs.30,20,000/- through cash and bank transfers and that all the original documents connected to the schedule property were promised to be given, but not provided. The learned counsel for the petitioner further submitted that the property has to be registered by 28.02.2021, but despite repeated requests and personal visits, the respondent No.2 and her husband avoided registration on one pretext or the other and that the de facto complainant and her husband sold the property fraudulently to one Mohd. Farooq vide document No.9819 of 2024.

Therefore, the petitioner approached the court of Principal District Judge, Mancherial by filing a suit for specific performance vide O.S. No.11 of 2025 and obtained an ad-interim injunction in his favour, restraining the alienation of the property. Subsequent to the said suit, the present complaint is filed with a malafide intention to evade registration of the property in his favour and there is delay in filing the complaint. Thus, it is the de facto complainant and her husband, who are the culprits and that the petitioner is facing false allegations and therefore, prayed to quash the proceedings against the petitioner.

5. Learned Additional Public Prosecutor has submitted that the police could examine the statements of the witnesses revealing the offence against the petitioner herein. He further submitted that though the learned counsel for the petitioner has pointed out with regard to delay in lodging the complaint, once the charge sheet is filed, delay is not a ground to be considered. The offence is alleged to have occurred on 02.10.2023 while the complaint is lodged on 05.10.2023.

6. Perused the record.

7. The contents of the complaint point out the offences under Sections 341, 290 and 504 IPC against the petitioner. The

statements of LWs.3, 5 and 6, who are listed as eye witnesses to the incident, have stated that on the date of incident the petitioner went to the house of the de facto complainant and abused them and closed the gate and when these witnesses enquired about the quarrel, they came to know that with regard to the sale of rice mill and payment of transaction, the argument was going on between them. Two other witnesses have stated that the petitioner has thrown eggs in front of the house of the de facto complainant.

8. As discussed supra, the allegations point out that there is a civil dispute pending with regard to sale of Rice Mill and Bolero Vehicle pertaining to the de facto complainant and her husband. The petitioner has also filed an undertaking given by the de facto complainant and her husband, to place it on record, that a dispute with regard to sale transaction of Rice Mill and Bolero vehicle is pending between both the parties. All these are triable issues and the veracity of these witnesses need to be tested during the course of trial. Hence, it is not a fit case to quash the proceedings at this stage. However, it is deemed appropriate to dispense with the attendance of the petitioner before the trial court.

9. Accordingly, the criminal petition is disposed of dispensing with the attendance of the petitioner before the trial court provided,

he is represented by a counsel before the trial court on every date of hearing and he shall be present before the trial court as and when his presence is required during the course of trial.

Miscellaneous Petitions, if any pending, shall stand closed.

SD/-P CH NAGABHUSHAMBA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Chennur.
2. The Station House Officer, Jaipur Police Station, Mancherial Dist.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad. [OUT]
4. One CC to Mr. K. SUNIL, Advocate [OPUC]
5. Two CD Copies

ABK

HIGH COURT

DATED: 23/10/2025

ORDER

CRLP.No.11551 of 2025



Accordingly, this Criminal Petition is Disposed of.

8MT
10/11/25