

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

**FRIDAY, THE TWENTY FOURTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FIVE**

**PRESENT**

**THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA**

**CRIMINAL PETITION NO: 12973 OF 2025**

**Between:**

1. Erukonda @ Nadem Shailaja, W/o. Kiran Kumar, Age. 39 years, Occ. House wife,
2. Nadem @ Erakonda Kiran, S/o. Satyanarayana, age. 39 years, Occ. Manager, Canara Bank, Both are R/o. D03, III Floor, Basava Arcard, Sector-52, Navanagar, Bhagalkot, Karnakata State 587103.

**...PETITIONER/ACCUSED(S)**

**AND**

1. The State of Telangana., rep. by Public Prosecutor, High Court at Hyderabad For the State of Telangana, Hyderabad.
2. Kolapudi Sumathi, D/o. Devadanam, Age. 70 years, Occ. Retd. Teacher, R/o.H.No.13-81, Vidyanagar, Mandamarri Town and Mandal, Mancherial District

**...RESPONDENT/COMPLAINANTS**

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 FIR. No. 650 of 2024 dated 08-10-2024 on the file of Police Station, Mancherial Town and pass such other order or orders

**I.A. NO: 2 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 all further proceedings in FIR. No. 650 of 2024 dated 08-10-2024 on the file of Police Station, Mancherla Town till pending disposal of the above criminal petition and pass such other order or orders

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri ANNNAMPELLI GANGADHAR, Advocate for the Petitioner and Sri. Jithender Rao Veeramalla the Addl. Public Prosecutor (TG) on behalf of the Respondent No.1.

**The Court made the following: ORDER**

**THE HONOURABLE SMT.JUSTICE TIRUMALA DEVI EADA**

**CRIMINAL PETITION No.12973 of 2025**

**ORDER:**

This Criminal Petition is filed by the petitioners-accused Nos.1 and 2 seeking to quash the proceedings in FIR No.650 of 2024 on the file of the Mancherial Town Police Station, Ramagundam District, for the offences under Sections 329(3) and 324(4) of BNS.

2. Heard Sri Annampalli Gangadhar, learned counsel for the petitioners and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor for the respondent No.1-State.

3. Learned counsel for the petitioners has submitted that there is a civil dispute between the parties and that a suit for perpetual injunction is pending between them, but the present complaint is filed with an ulterior motive to settle the scores on civil side. He further submitted that a status quo order was also granted on 03.08.2020. Thus, the present proceedings need to be quashed as no criminal proceedings can be instituted when a civil matter is pending before the court over the same subject matter. He further submitted that the allegation that the petitioners are suspected to have trespassed into the land of the de facto complainant is based

on assumptions and that there is no specific allegation against the petitioners herein, except suspicion against the petitioners that they have trespassed into her land. He further submitted that the petitioner No.2 is working as a Bank Manager and on the alleged date of incident, he was attending his office and his biometrical attendance is very much marked and is available for evidence. He, therefore, prayed to quash the proceedings against the petitioners.

4. Learned Additional Public Prosecutor, on the other hand, submitted that status quo order was granted on 03.08.2020 and the date of offence also dates back to 03.08.2020. That the petitioners have violated the status quo orders even as per the orders of the civil court dated 27.02.2025 in I.A. No.252 of 2020 and 230 of 2024, wherein both the IAs were dismissed. It was observed by the trial court that both the parties have violated the interim *ex parte* order of status quo granted on 03.08.2020. He, thus, submitted that *prima facie* case is made out against the petitioners and hence, prayed to dismiss the petition.

5. Perused the record.

6. The allegations in the complaint *prima facie* point out that the petitioners have removed the fencing and entered into the land of

the de facto complainant. The learned counsel for the petitioner contends that the petitioner No.2 was at his office on the alleged date of incident and his presence at the scene of offence is ruled out. But, the plea of alibi cannot be a ground to quash the proceedings as held by the Hon'ble Apex Court in **Harjinder Singh v. The State of Punjab and Another**<sup>1</sup>, that the plea of alibi is a matter of defence to be established during the trial and not at the stage of summoning. The allegations in the present case are under Sections 329(3) and 324(4) of BNS, which are punishable with imprisonment of less than 7 years. Thus, in the facts and circumstances of the case, it is deemed appropriate to direct the police concerned to invoke the procedure under Section 35(3) of the BNSS.

7. Accordingly, the Criminal Petition is disposed directing the petitioners to appear before the Investigating Officer concerned on or before 14.11.2025 between 11.00 a.m. and 5.00 p.m., and in turn, the Investigating Officer is directed to follow the procedure laid down under Section 35 (3) of BNSS and the guidelines formulated by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**<sup>2</sup> scrupulously and the petitioners are also directed to co-operate

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<sup>1</sup> 2025 LiveLaw (SC) 543

<sup>2</sup> (2014) 8 SCC 273

with the Investigating Officer and to furnish the requisite information and documents as and when required by him.

Miscellaneous Petitions, if any pending, shall stand closed.

SD/- P PONNA KRISHNA  
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The II Addl. Judicial First Class Magistrate at Mancheri.
2. The SHO Mancheri Town Police Station, Ramagundam District.
3. One CC to SRI. ANNNAMPELLI GANGADHAR Advocate [OPUC]
4. One CC to SRI. PUBLIC PROSECUTOR Advocate [OUT]

5. Two CD Copies

ABK



**HIGH COURT**

**DATED:24/10/2025**

**DISPOSED OFF**



**CRLP.No.12973 of 2025**

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