

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 661 OF 2015

Between:

1. P. VIKRAM DEVA REDDY, S/o.Chandra Sekhara Reddy, aged about 52 years, R/o. Plot No. 18, Image Garden Road, Hi-tech City, Madhapur, Hyderabad.
2. P. Rama Devi,, W/o. Vikram Deva Reddy, aged about 48 years, R/o. Plot No. 1-98-9-9-B-18, Plot No. 18, Arunodaya Co-operative Housing Society, Madhapur, Hyderabad.

...PETITIONERS/ACCUSED No.9 & 14

AND

1. KANDADI VENKAT REDDY, S/o. Narayana Reddy, aged about 43 years, Occ Agriculture, Rio. H. No. 1-18, Ramapally Dayara Village, Keesara Mandal, Ranga Reddy District.
2. The State of Telangana,, Rep. by its Public Prosecutor, In the High Court For The State of Telangana and The State of Andhra Pradesh.

...RESPONDENT/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. 1004 of 2013 on the file of X Metropolitan Magistrate at Malkajgiri, Cyberabad in the interest of justice.

I.A. NO: 1 OF 2015(CRLPMP. NO: 669 OF 2015)

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 appearance of the petitioners in C.C. No. 1004 of 2013 on the file of X Metropolitan Magistrate, at Malkajgiri, Cyberabad, pending disposal of the above Criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri T PRADYUMNA KUMAR REDDY, Advocate for the Petitioner and Sri M.Vivekananda Reddy, the Assistant Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO
CRIMINAL PETITION No.661 of 2015

Date: 01.12.2025

Between:

P.Vikram Deva Reddy and another.

...petitioners

AND

Kandadi Venkat Reddy and another

...respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in C.C.No.1004 of 2013 on the file of learned X Metropolitan Magistrate at Malkajgiri, Cyberabad, wherein the petitioners were arrayed as accused Nos.9 and 14 for the offences punishable under Sections 420 and 120(b) of the Indian Penal Code, 1860 (for short 'IPC').

2. Heard Ms.Tanu Sri, learned counsel, representing Mr.T.Anirudh Reddy, learned counsel for the petitioners and Mr.M.Vivekananda Reddy, learned Assistant Public Prosecutor for respondent No.2.

3. In spite of service of notice, respondent No.1 has not chosen to enter appearance.

4. Learned counsel for the petitioners submitted that the very same allegations were levelled against accused Nos.11 and 12, and they approached this Court and filed Crl.P.No.13871 of 2013, seeking quashing of the proceedings against them. This Court was pleased to allow the said petition on 08.09.2022 and quashed the proceedings against them, and the said order has become final. In the present criminal petition, very similar allegations are levelled against the petitioners/accused Nos.9 and 14, therefore, they are also entitled to the same relief granted by this Court in Crl.P.No.13871 of 2013.

5. Learned Assistant Public Prosecutor has not disputed the submission made by the learned counsel for petitioners.

6. Taking into consideration the submissions made by the respective parties and in particular, the order passed by this Court in Crl.P.No.13871 of 2013, dated 08.09.2022, the proceedings in C.C.No.1004 of 2013 against the petitioners/accused Nos.9 and 14 are hereby quashed.

7. Accordingly, this Criminal Petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/-B.REKHA RANI
ASSISTANT REGISTRAR

SECTION OFFICER

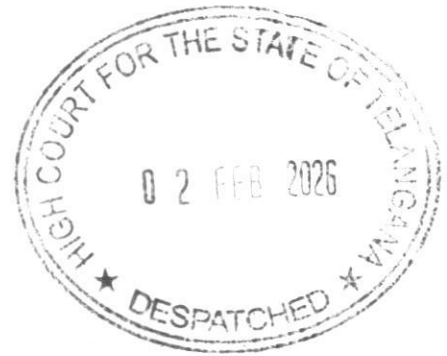
To,

1. The X Metropolitan Magistrate at Malkajgiri, Cyberabad
2. The Station House Officer, Police Station, Keesara, Cyberabad
3. Two CCs to the PUBLIC PROSECUTOR, High Court at Hyderabad. (OUT)
4. One CC to SRI T PRADYUMNA KUMAR REDDY Advocate [OPUC]
5. Two CD Copies

TPK/PSL

HIGH COURT

DATED:01/12/2025



ORDER

CRLP.No.661 of 2015

CRIMINAL PETITION IS ALLOWED

⑧ MT
31/1/26

HON'BLE SRI JUSTICE K.SURENDER
CRIMINAL PETITIOIN No.13871 OF 2013

ORDER:

1. This petition is filed by the petitioners/A11 and A12 for quashing all the proceedings against them in CC No.1004 of 2013 on the file of X Metropolitan Magistrate at Malkajgiri, Which charge sheet is filed by the Keesara police for the offence under Sections 420 and 120-B of IPC.
2. Learned counsel for the petitioners submitted that the 2nd petitioner/A12 died, as such, case against A12 stands abated.
3. The case of the prosecution is that the 1st respondent/complainant and 66 other farmers are owners of Acs.177.26 guntas situated at Keesara Dayara village in Sy.Nos.10,11,17,16,15,39,123,257,264,263,262, 164, 156, 157, 158, 159, 160 and cultivating the same since 60 years and above with peaceful possession. A1 to A7 colluded with these the petitioners who are directors of M/s.Vikrama Infra and got registered part of the land i.e., the agriculture land in Sy.No.123 Part, admeasuring acs.9.00 guntas and land in

Sy.No.159 part, admeasuring Acs.13.16 guntas, in Sy.No160 Part, admeasuring 9.16 guntas in Sy.No.164, admeasuring Acs.11.23 guntas, in Sy.No.257, admeasuring Acs.20.18 guntas, total land admeasuring acs.54.33 guntas, situated at Keesara Dayara village, Keesara Revenue Mandal, Ranga Reddy District under Keesara Dayara Gram Panchayat.

5. The *defacto* complainant and other 66 farmers are pattadars of the said lands purchased by petitioners and all of them were given ownership certificate under Section 38 E of A.P. (Telangana Area) Tenancy and Agricultural Lands Act and since then they have been in peaceful possession. The accused 1 to 7, who are legal heirs of late Tarabai, challenged the certificate issued to the *defacto* complainant and others under Section 38-E of the Act, before the Joint Collector. However, their appeal was dismissed and the ownership of the *defacto* complainant was confirmed.

6. The police having registered complaint, after investigation filed charge sheet against A1 to A16 for the reason of entering into criminal conspiracy and committing the act of cheating.

A1 to A7 registered the property in favour of these petitioners and others, though it is to their knowledge that the accused A1 to A7 did not have any right over the said property.

7. Learned counsel for the petitioners submits that even admitting the sale transaction, no offence of cheating or criminal conspiracy is made out. In support of his contention, he relied on the judgment reported in the cases of i) **Hira Lal Hari Lal Bhagwavi v. CBI, New Delhi**¹, ii) **Indian Oil Corporation v. NEPC India Limited**², iii) **Anand Kumar Mohatta v. State (NCT of Delhi), Department of Home**³, iv) **Parveen @ Sonu v. State of Haryana**⁴ and argued that none of the ingredients under Section 420 are made out and unless there is misrepresentation pursuant to which a person is induced and delivers property, the offence of Section 420 IPC will be attracted. Further, there has to be an agreement between the parties to do an unlawful act and only in the said circumstances, an offence under Section 120-B of

¹ (2003) 5 Supreme Court Cases 257

² (2006) 6 Supreme Court Cases 736

³ (2019) 11 Supreme Court Cases 706

⁴ 2021 SCC OnLine SC 1184

IPC is attracted. No such evidence is available to infer criminal conspiracy.

8. The case against these petitioners is that they have purchased the property, being the Directors of the company on behalf of M/s.Vikrama Infra Ventures Private Limited.

9. The ownership is in the name of the *defacto* complainant and other farmers by virtue of Section 38-E ownership certificate. In the said circumstances, even assuming that A1 to A7 have registered the land in the name of these petitioners, such registration would not confer any right to the petitioners over the property in any manner. When the property does not belong to A1 to A7, the said transaction between A1 to A7 and the petitioners selling the land of *defacto* complainant and others would not in any manner create any right either to the accused A1 to A7 or to these petitioners.

10. Except the police investigation stating that the transaction of sale was in between A1 to A7 and these petitioners, there is absolutely no allegation that these petitioners have, at any point of time, either approached the *defacto* complainant or any of the other farmers in any manner or induced them to part with any property. As already stated, the sale transaction between A1 to A7 will not in

any manner create any right to these petitioners over the said property. In the said circumstances, no offence of cheating is made against these petitioners. The petitioners have purchased the property in the name of the company, but the company is not named as accused. For the aforesaid reasons, the case against the petitioner/A11 is hereby set aside.

8. Accordingly, this Criminal Petition is allowed quashing the proceedings against petitioner/A11 in CC No.1004 of 2013 on the file of X Metropolitan Magistrate, at Malkajgiri.

K.SURENDER, J

Date: 08.09.2022
kvs