

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

**FRIDAY, THE TWELFTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX .**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 9415 OF 2025

Between:

1. Durgam Laxmi, W/o Jadi Murali, Aged 50 years. Occ. Govt Teacher, R/o Srilanka Colony, Jannaram Mandal, Macherial.
2. Neeelam Jyothi, W/o Shekar, Aged 32 years, Occ. Tailoring, R/o Kawal (V).

...Petitioners /Accused No.2 & 3

AND

1. The State of Telangana, Rep by Public Prosecutor, High Court of Telangana at Hyderabad.
2. Mamidib Narsaiah, S/o. Rajam Aged. 54 years, Occ. Govt Teacher, Jannaram V/Mandal, Macherial District

...Respondent

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 C.C. No. 221 of 2025 on the file of the Junior Civil Judge-cum-Judicial Magistrate of First-Class Court, Luxettipet, Mancheria District. against the Petitioners/Accused No.2 to 3.

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 Proceedings in C.C. No. 221 of 2025 on the file of the Junior Civil Judge-cum-Judicial Magistrate of First-Class Court, Luxettipet, Mancheria District. against the Petitioners/Accused No.2 to 3 .

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Ravi Chandra Bejjaram, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the Respondent No.1 and of Sri B. Balaji, Advocate for the Respondent No.2.

The Court made the following: ORDER

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 9415 of 2025

DATE: 12.06.2026

Between :

Durgam Laxmi and another

....Petitioners/Accused Nos.2 and 3

AND

The State of Telangana and another

....Respondents

: O R D E R :

This Criminal Petition has been filed by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings in C.C.No.221 of 2025 on the file of the Junior Civil Judge-cum-Judicial Magistrate of First Class Court, Luxettipet, Mancherial District, for the offence under Section 420 of the Indian Penal Code, 1860 (for short, 'the IPC').

2. Brief facts of the case:

2.1. On 14.12.2024 at 14:00 hours, respondent No.2 lodged a complaint stating that he is resident of Ponkal Village, Jannaram Mandal and working as a Government Teacher in ZPSS, Kalamadugu. When he was working in ZPSS Kishtapur Village along with accused No.1, a Government Teacher and resident of Ponkal Village, in the month of February, 2023, with a dishonest intention introduced a Tanvita Ayurvedic Scheme to him stating that the scheme was having many

products and that if he invested money in the scheme, he would get huge benefits. It is further stated that accused No.1 allegedly enrolled his name as a member in the said scheme and further represented that if he invested ₹1,00,000/-, he would receive ₹18,000/- as commission within 20 days. Believing the words of accused No.1, who was his co-employee, he invested a total amount of Rs.24,00,000/- to the accounts of Tanivtha Company, accused No.1, the petitioners and accused No.4, who are relatives of accused No.1. It is further alleged that he received only Rs.10,800/- in his wallet on one occasion and did not receive any further commission amount from the Tanvita Ayurvedic Scheme. When he approached accused No.1 seeking return of his invested amount, he allegedly went on postponing the matter without returning the money. Thereby, the accused is alleged to have dishonestly cheated him and misappropriated the amount invested by him. Based on the said complaint, Crime No.184 of 2024 was registered against accused Nos.1 and 4 and the petitioners for the offence under Section 420 of the IPC and the Investigating Officer, after conducting investigation and recording the statements of the witnesses, filed a final report and the learned trial Court took cognizance and issued summons to the petitioners and other accused.

3. Heard Mr. Ravi Chandra Bejjaram, learned counsel for the petitioners, Mr. B.Balaji, learned counsel for respondent No.2 and

Mr. J.thender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1-State.

4. Submissions of learned counsel for the petitioners:

4.1. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and have been falsely implicated in the present case solely on the ground that petitioner No.1 is the wife and petitioner No.2 is the sister of accused No.1. Even according to the allegations made in the complaint as well as the final report, the ingredients of the offence under Section 420 of the IPC are not attracted. Respondent No.2 has implicated the petitioners only to settle scores with accused No.1 and has made bald allegations against them. Accused No.1 and respondent No.2 are colleagues and the petitioners have had no communication with respondent No.2. The entire allegations are levelled against accused No.1 only. The petitioners are not associated with Tanvita Ayurvedi Scheme or Tanvita Real Estate and there was no dishonest intention on their part towards respondent No.2. The only allegation levelled in the complaint is that at the instance of accused No.1, respondent No.2 transferred certain amounts to the accounts of the petitioners. The said allegation does not attract the ingredients of the offence under Section 420 of the IPC. Further, there is no material to establish any conspiracy between accused No.1 and the petitioners. Petitioner No.1 is a Government Teacher and petitioner No.2 is eking out

her livelihood by doing tailoring work. Hence, the continuation of the proceedings against the petitioners is a clear abuse of the process of law.

5. Submissions of learned counsel for respondent No.2 :

5.1. *Per contra*, learned counsel submitted that specific allegations have been levelled against the petitioners. It is alleged that respondent No.2 invested a huge amount of Rs.24 lakhs and, at the instance of accused No.1, transferred various amounts through RTGS and PhonePe to the accounts of Tanvita Ayurvedic Scheme as well as to the accounts of the petitioners. The Investigating Officer, after recording the statements of the witnesses, filed the final report. The witnesses have specifically mentioned the role of the petitioners. Petitioner No.1 and accused No.1 are residing under the same roof and the petitioners do not dispute having receiving amount from respondent No.2. The allegations levelled in the compliant and the statements of the witnesses specifically refer to the role of the petitioners and the truthfulness of these allegations can be revealed only during the course of trial. Therefore, the petitioners are not entitled to seek quashing of the proceedings.

6. Submissions of learned Additional Public Prosecutor appearing for respondent No.1:

6.1. Learned Additional Public Prosecutor reiterated the very same submissions made by the learned counsel for respondent No.2 and submitted that respondent No.2 transferred the amount through PhonePe to the accounts of the petitioners at the instance of accused No.1 and the

petitioners have received the said amount. Hence, the petitioners are not entitled to seek quashing of the proceedings.

Analysis

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that there are specific allegations levelled in the complaint that accused No.1 and respondent No.2 are known to each other and accused No.1 informed respondent No.2 that he was working as a director in Tanvita Ayurvedic Scheme and in that Tanvita Ayurvedic Scheme, there were many products, if they were sold more, the investors would get money in the form of shares from the profits, and accused No.1 insisted respondent No.2 to invest amount stating that he would get more money. Believing the words of accused No.1, respondent No.2 invested an amount of Rs.24 lakhs.

8. The record further reveals that there are specific allegations that at the instance of accused No.1, respondent No.2 transferred an amount of Rs.6 lakhs to Tanvitha Company on 10.08.2023 and also transferred various amounts to the accounts of the petitioners on 11.08.2023, 16.08.2023 and 17.08.2023 as well as the accounts of accused No.1 and accused No.4 through RTGS as well as PhonePe, by hand and cheque.

9. It is not in dispute that the petitioners are none other than the wife and sister of accused No.1. When respondent No.2 demanded repayment

of the amount, the petitioners, with a dishonest intention and to avoid to pay the said mount, deceived respondent No.2 and cheated him. Whether the allegations levelled in the complaint as well as the final report and the statements given by the witnesses indicate a conspiracy between the petitioners and accused No.1 has to be revealed during the course of trial. The grounds which were raised by learned counsel for the petitioners are disputed questions of fact and the same cannot be adjudicated in a proceedings under Section 528 of the BNSS.

10. In **Sau. Kamala Shivaji Pokarnekar v. The State of Maharashtra & Ors.**¹, the Hon'ble Apex Court held that the inherent powers under Section 482 Cr.P.C. has to be exercised in exceptional cases sparingly, with caution, only to prevent abuse of process or to secure the ends of justice; and it cannot be invoked to weigh evidence or stifle a genuine prosecution, but may be applied where the allegations in the complaint, taken at face value, do not disclose the basic ingredients of any offence. The case on hand is not the rarest of rare cases to exercise powers of this Court under Section 482 of Cr.P.C. to quash the proceedings in C.C.No.17248 of 2019.

11. In **State of Haryana and others v. Bhajan Lal and others**², the Hon'ble Supreme Court held that inherent power under Section 482 Cr.P.C. is to be exercised sparingly and only where the allegations, even if

¹ (2019) 14 SCC 350

² 1992 supp (1) SCC 335

taken at their face value, do not disclose the commission of any offence. In cases arising under Section 138 of the Negotiable Instruments Act, where the complaint *prima facie* discloses issuance of cheques towards a legally enforceable debt, their presentation, dishonour for insufficiency of funds, issuance of statutory notice, and failure to make payment, the proceedings cannot be quashed at the threshold. Any defence sought to be raised by the accused, including disputes relating to liability or compliance with statutory requirements, involves questions of fact which must necessarily be adjudicated at trial and do not fall within the exceptional categories warranting interference as delineated in **Bhajan Lal** *supra*.

12. It is already stated *supra* that there are specific allegations levelled against the petitioners in the complaint as well as in the final report and the same *prima facie* disclose the commission of cognizable offence. The case on hand does not fall under the ambit of rarest of rare case to exercise the powers conferred under Section 528 of the BNSS to quash the proceedings.

13. For the foregoing reasons and precedent decisions, this Court does not find any ground to quash the proceedings against the petitioners in C.C.No.221 of 2025.

14. Accordingly, the criminal petition is dismissed. However, as petitioner No.1 is a government teacher and petitioner No.2 is doing

tailoring work, their presence before the trial Court in C.C.No.221 of 2025 is dispensed with, unless their presence is specifically required subject to the condition that the petitioners shall represent through their counsel on each and every date of hearing. In case of non-appearance of the petitioners on the specific date so fixed by the trial Court for their appearance, the trial Court is entitled to proceed with the matter, in accordance with law.

Miscellaneous applications, pending if any, shall stand closed.

**SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR**

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SECTION OFFICER

To,

1. The Junior Civil Judge-cum-Judicial Magistrate of First-Class Court, Luxettipet, Mancherial District.
2. The Station House Officer, Jannaram Police Station, Macherial District.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri Ravi Chandra Bejjaram, Advocate [OPUC]
5. One CC to Sri B. Balaji, Advocate [OPUC]
6. Two CD Copies



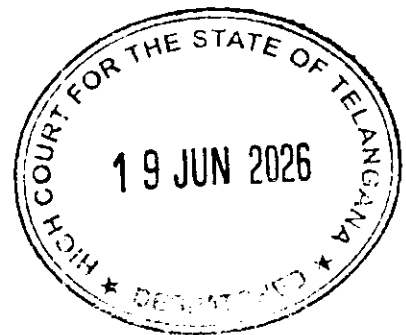
GNK/KA

HIGH COURT

DATED: 12/06/2026

ORDER

CRLP.No.9415 of 2025



DISMISSING THE CRIMINAL PETITION

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17/6/26