IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11822 OF 2018

Between:

1. Annamaneni Subash Rao, S/o.Linga Rao, Aged about 58 Years, Occ.Agriculture, R/o.Tarlapad Village, Khanapur Mandal, Nirmal District.
2. Annamaneni Manjula, W/o.Annamaneni Subash Rao, Aged about 55 Years, Occ.House hold, R/o.Tarlapad Village, Khanapur Mandal, Nirmal District.
3. Tandra Anand Rao, S/o.Kishan Rao, Aged 51 Years, Occ.Agriculture, R/o.Ambedkar Nagar, Khanapur Village and Mandal, Nirmal District.
4. Paidipelli Ravinder Rao, S/o.Kishan Rao, Aged 65 Years, Occ.Agriculture, R/o.Vidyanagar, Khanapur Village and Mandal, Nirmal District.
5. Tandra Susheela, W/o.Late Sanjeeva Rao, Aged 70 Years, Occ.House hold, R/o.Vidyanagar, Khanapur Village and Mandal, Nirmal District.
6. Tandra Subadra, W/o.Late Govind Rao, Aged 75 Years, Occ.House hold, R/o.Vidyanagar, Khanapur Village and Mandal, Nirmal District.
7. Pureti Ushana, S/o.Lachanna, Aged 53 Years, Occ.Agriculture, R/o.Tarlapad Village, Khanapur Mandal, Nirmal District.
8. Gandla Rajanna, S/o.Narsaiah, Aged 65 Years, Occ.Agriculture, R/o.Vidyanagar, Khanapur Village and Mandal, Nirmal District.

...Petitioner/Accused No.1 to 4,6,8,9 & 11

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad, Hyderabad.

.....Respondent

2. Borubontala Laxmi, W/o.Late Rajanna, Aged 60 Years, Occ.Agriculture, R/o.Tarlapad Village, Khanapur Mandal, Nirmal District.

...Respondent/De- facto complainant

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 Criminal Proceedings in C.C.No.878/2012 against the Petitioners/Accused No.1 to 4, 6, 8, 9 and 11 pending on the file of Additional Judicial Magistrate of First Class at Nirmal.

I.A. NO: 1 OF 2018

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 Appearance of the Petitioners/Accused No.1 to 4, 6, 8, 9 and 11 in C.C.No.878/2012 pending on the file of Additional Judicial Magistrate of First Class at Nirmal 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 C HARI PREETH, Advocate for the Petitioners and the Public Prosecutor on behalf of the Respondent No.1 and of Sri NARESH REDDY CHINNOLLA, Advocate for the Respondent No.2.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No .11822 of 2018

ORDER:

1. This Criminal Petition is filed to quash the proceedings against the petitioners 1 to 4, 6, 8, 9 & 11 in C.C.No.878 of 2012 on the file of Additional Judicial Magistrate of First Class at Nirmal.

2. Briefly, the case of the 2nd respondent is that there is civil dispute pending between her and the 1st petitioner/A1 and A1 filed false civil suit against her on the file of Junior Civil Judge Court at Nirmal which is pending. Since two months prior to filing complaint, A1 and his supporters who are other accused in the complaint, bore grudge against 2nd respondent and threatening that if she does not handover Ac.0.03 gts of land in Sy.No.68 at Tarlapad village, they would beat her and see her end. She is the owner and possessor of land bearing Sy.No.68 to an extent of Ac.0.08 gts at Tarlapad village and that her father in law namely B.Venkanna purchased the said land to an extent of Ac.0.15 gts in Sy.No.68 from the original

owner K.P.Mallaiah on 25.03.1953 for consideration of Rs.150/- and was delivered possession. Since then, till his death, he was enjoying the land and after his death, her husband was in possession and enjoyment till his death about 14 years back and left her and her children as his successors. At the time of formation of road widening, about 0.07 gts of land was lost by her family and she has constructed a cattle shed vide G.P.No.2-26 about 7 years back and storing the dung in the remaining open land by fencing cattle shed. After the death of original pattdar, she took steps to register the land in her name and on her request, registered document was executed in her favour to an extent of Ac.0.08 gts in Sy.No.68 on 11.03.2005. Thereafter, the land was mutated in her name. On 17.07.2005 at about 12.00 noon all the accused went to her cattle shed while she was present, started abusing her in filthy language such as 'Donga Lanje, Lambdi@ etc., and when she requested all the accused not to abuse her, accused did not hear her request and all of them beat her with hands saying why she has not handed over land of Ac.0.03 gts to A1. Meanwhile, the named witnesses intervened and

rescued, otherwise they would have killed her. Thereafter, she went to PS, Khanapur and lodged complaint. Instead of taking action against the accused, they advised 2nd respondent to approach the court. Accordingly complaint was filed.

3. Learned counsel appearing for the petitioner would submit that admittedly, there is a civil case which is pending in between the first petitioner and the 2nd respondent. After the civil suit was filed, 1st petitioner obtained favourable orders against the 2nd respondent. The 2nd respondent approached the criminal court and filed the present complaint only to force settlement in the case. For the said reason, proceedings have to be quashed.

4. It is argued on behalf of the respondents that the contents of the complaint have to be looked into and if the contents make out *prima facie* case, this Court cannot quash the proceedings. In the complaint, it is clearly mentioned that all the petitioners have gone to the residence of the 2nd respondent, abused her and assaulted her. In the said circumstances, trial must go on.

5. The dispute is with regard to Ac.0.03 guntas of land in between A1 and the 2nd respondent. The 1st petitioner filed suit even prior to lodging of the present complaint. Admittedly, disputes are pending. In the complaint, it is mentioned that the petitioners 2 to 8 and others along with A1 went to the premises of the 2nd respondent and assaulted her. Except making bald allegation that all the petitioners assaulted her, nothing specific is attributed to any of the petitioners 2 to 8. To attract an offence under Section 504 of IPC, a person should have intentionally insulted a person and thereby giving provocation to that person and such provocation would result in breaking public peace or committing any other offence. In the present case, no such allegation is made against the petitioners 2 to 8. None of the ingredients under Section 504 of IPC are made out.

6. Further, except making bald allegation that A1 has beaten the 2nd respondent along with others, nothing specific is attributed to petitioners 2 to 8, who are A2, A3, A4, A6, A8, A9 and A11.

7. In the said circumstances, this Court deems it appropriate to quash all further proceedings against petitioners 2 to 4, 6, 8, 9 & 11/A2 to A4, A6, A8, A9 and A11.

8. In the result, the proceedings against the petitioners 2 to 4, 6, 8, 9 & 11/A2 to A4, A6, A8, A9 and A11 in C.C.No.878 of 2012 on the file of Additional Judicial Magistrate of First Class at Nirmal, are hereby quashed. However trial Court shall proceed against A1.

9. Criminal Petition is allowed in part.

SD/- K AMMAJI,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Judicial Magistrate of First Class at Nirmal
2. The Station House Officer, Khanapur Police Station, Adilabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI C HARI PREETH, Advocate [OPUC]
5. One CC to SRI NARESH REDDY CHINNOLLA, Advocate [OPUC]
6. Two CD Copies

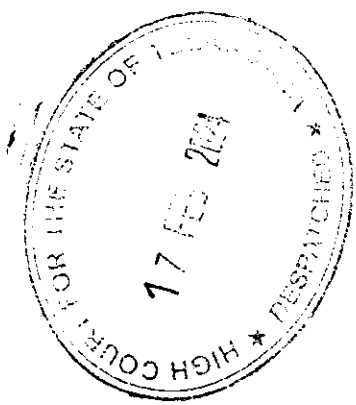
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HIGH COURT

DATED:04/01/2024

ORDER

CRLP.No.11822 of 2018



PARTLY ALLOWING THE CRLP

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