IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THURSDAY ,THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NOs. 7446 and 7206 OF 2022

CRIMINAL PETITION NO: 7446 OF 2022

Between:

1. Manchu Mohan Babu, Aged about 75 years, S/O M.Narayana Swamy Naidu, Occ Chairperson, Sri Vidyaniketan Educational Institutions, R/o Plot No 6, Road No 1, Film Nagar, Jublee Hills, Hyderabad, Telangana State
2. Manchu Vishnu Vardhan Babu, Aged about 43 years, S/O Manchu Mohan Babu, Occ CEO, Sri Vidyaniketan Educational Institutions, R/o Plot No 6, Road No 1, Film Nagar, Jublee Hills, Hyderabad, Telangana State.
3. Manchu Manoj Kumar, Aged about 39 years, S/O Manchu Mohan Babu, Occ CEO, Sri Vidyaniketan Educational Institutions R/o Plot No 6, Road No 1, Film Nagar, Jubilee Hills, Hyderabad, Telangana State.

...Petitioner/Accused Nos. 1 to 3

AND

1. The State of Andhra Pradesh, Represented by S.H.O, Chandragiri P.S., Tirupati Urban, Rep. Through the Public Prosecutor, State of Andhra Pradesh, High Court of Andhra Pradesh at Amaravati.
2. K. Hemalatha, Aged about 49 years, Occ Mandal Parishad Development Officer, MCC Team -IV, Mandal Praja Parishad,

Chandragiri, Chittoor District, Andhra Pradesh.

...**Respondents/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 C.C.No.1015 of 2021, on the file of the IV Additional Junior Civil Judge, Tirupati, Andhra Pradesh.

I.A. NO: 1 OF 2022

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 grant stay of all further proceedings, including presence/ appearance of the Petitioner herein in C.C.No.1015 of 2021, on the file of the IV Additional Junior Civil Judge, Tirupati, Andhra Pradesh, pending disposal of the above Criminal Petition.

CRIMINAL PETITION NO: 7206 OF 2022

Between:

1. K.Thulasi Naidu, Aged about 53 years, S/o Late Chinnamma Naidu, Occ Administrative Officer, Sri Vidyaniketan, R/o 10-56-6, SreeSainadhaNagar, Arepalle, Rangampet, Chittoor, Andhra Pradesh, 517102.
2. Raavuru Satheesh, Aged about 35 years, Occ Public Relations Officer, Sri Vidyaniketan, R/o Perimidi Post, Nellore, Andhra Pradesh 524421.

...**Petitioner/Accused Nos. 4& 5**

AND

1. The State of Andhra Pradesh, Represented by S.H.O, Chandragiri P.S., Tirupati Urban, Rep. Through the Public Prosecutor, State of Andhra Pradesh, High Court of Andhra Pradesh at Amaravati.

2. K. Hemalatha, Aged about 49 years, Occ Mandal Parishad Development Officer, MCC Team -IV, Mandal Praja Parishad, Chandragiri, Chittoor District, Andhra Pradesh.

...Respondents/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 C.C.No.1015 of 2021, on the file of the IV Additional Junior Civil Judge, Tirupati, Andhra Pradesh, in the interest of equity and justice while exercising its inherent jurisdiction under Section 482 of Cr.P.C.

I.A. NO: 2 OF 2022

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 grant stay of all further proceedings, including presence/ appearance of the Petitioner herein in C.C.No.1015 of 2021, on the file of the IV Additional Junior Civil Judge, Tirupati, Andhra Pradesh, pending disposal of the above Criminal Petition.

These Petitions coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri N Ashwani Kumar, Advocate for the Petitioners in both the petitions and the Public Prosecutor on behalf of the Respondent No.1 for both the petitions and of Sri V Vinod Reddy, Advocate for the Respondent No.2, Standing Counsel for ZP MPDO GP in both the petitions.

The Court made the following:

APHC010496712022

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction) [3396]

THURSDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NOs: 7446 AND 7206 OF 2022

Criminal Petition No.7446 of 2022:

Between:

1. MANCHU MOHAN BABU,, AGED ABOUT 75 YEARS, S/O M.NARAYANA SWAMY NAIDU, OCC CHAIRPERSON, SRI VIDYANIKETAN EDUCATIONAL INSTITUTIONS, R/O PLOT NO 6, ROAD NO 1, FILM NAGAR, JUBLEE HILLS, HYDERABAD, TELANGANA STATE
2. MANCHU VISHNU VARDHAN BABU,, AGED ABOUT 43 YEARS, S/O MANCHU MOHAN BABU, OCC CEO, SRI VIDYANIKETAN EDUCATIONAL INSTITUTIONS, R/O PLOT NO 6, ROAD NO 1, FILM NAGAR, JUBLEE HILLS, HYDERABAD, TELANGANA STATE.
3. MANCHU MANOJ KUMAR, , AGED ABOUT 39 YEARS, S/O MANCHU MOHAN BABU, OCC CEO, SRI VIDYANIKETAN EDUCATIONAL INSTITUTIONS R/O PLOT NO 6, ROAD NO 1, FILM NAGAR, JUBILEE HILLS, HYDERABAD, TELANGANA STATE.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY S.H.O, CHANDRAGIRI P.S., TIRUPATI URBAN, REP. THROUGH THE PUBLIC PROSECUTOR, STATE OF ANDHRA PRADESH, HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.
2. K HEMALATHA, AGED ABOUT 49 YEARS, OCC MANDAL PARISHAD DEVELOPMENT OFFICER, MCC TEAM -IV, MANDAL PRAJA PARISHAD, CHANDRAGIRI, CHITTOOR DISTRICT, ANDHRA PRADESH.

...RESPONDENT/COMPLAINANT(S):

Criminal Petition No.7206 of 2022:

Between:

1. K.THULASI NAIDU, , AGED ABOUT 53 YEARS, S/O LATE CHINNAMMA NAIDU, OCC ADMINISTRATIVE OFFICER, SRI VIDYANIKETAN, R/O 10-56-6, SREESAINADHANAGAR, AREPALLE, RANGAMPET, CHITTOOR, ANDHRA PRADESH, 517102.
2. RAAVURU SATHEESH, , AGED ABOUT 35 YEARS, OCC PUBLIC

RELATIONS OFFICER, SRI VIDYANIKETAN, R/O PERIMIDI POST, NELLORE, ANDHRA PRADESH 524421.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY S.H.O, CHANDRAGIRI P.S., TIRUPATI URBAN, REP. THROUGH THE PUBLIC PROSECUTOR, STATE OF ANDHRA PRADESH, HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.
2. K HEMALATHA, AGED ABOUT 49 YEARS, OCC MANDAL PARISHAD DEVELOPMENT OFFICER, MCC TEAM -IV, MANDAL PRAJA PARISHAD, CHANDRAGIRI, CHITTOOR DISTRICT, ANDHRA PRADESH.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

1. N ASHWANI KUMAR

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)
2. V VINOD K REDDY (SC FOR ZP MPDO GP)

The Court made the following:

COMMON ORDER:

The instant petitions under Section 482 of Code of Criminal Procedure, 1973[1] have been filed by the Petitioners/Accused Nos.1 to 3 and 4 & 5 respectively seeking to quash the proceedings against them in C.C.No.1015 of 2021 on the file of the Court of IV Additional Junior Civil Judge, Tirupati for the offences punishable under Sections 290, 341 and 171-F read with 34 of the Indian Penal Code, 1860[2] and Section 34 of Police Act, 1861.

2. Heard Sri N.Ashwani Kumar, learned counsel for the Petitioners, Sri G.R.Sudhakar, learned counsel representing Sri V.Vinod K.Reddy, learned Standing Counsel for Respondent No.2 and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor for State/Respondent No.1.

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[1] for short 'Cr.P.C'
[2] for short 'I.P.C'

3. Learned counsel for the Petitioners/Accused Nos.1 to 5 would submit that Petitioner/Accused No.1 made several representations to the Government for reimbursement amount for their students and the same were not considered and in that regard, the Petitioners conducted a peaceful rally. Learned counsel would further submit that, the allegations leveled against the Petitioners do not attract the offences alleged against them. Learned counsel would further submit that, Model Code of Conduct cannot be attributed to the Petitioners, who were not contesting in the Assembly Election, 2019 and were not aiding any political party. Learned counsel would finally submit that the allegations leveled against the Petitioners do not constitute any offence against them. Hence, prayed for quashment of the proceedings against the Petitioners. In support of his contention, learned counsel has placed reliance on the judgments of the Hon'ble Apex Court in **Anita Thakur & Others Vs.Government of Jammu and Kashmir & Others**[3], this Court in **The Amaravathi Parirakshana Samithi of A.P., and Others Vs. The State of A.P.,**[4] and High Court of Gujarat in **Mehsana District Co-operative Milk Producers Union Limited Vs. The District Election Officer, Mehsana & others**[5].

4. *Per contra*, learned counsel for Respondent No.2 would submit that the entire incident was videographed and there are specific overt acts attributed against the Petitioners. Learned counsel would further submit that the public and the vehicles were restrained by the Petitioners for four hours. It is also

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[3] (2016) 15 SCC 525
[4] MANU/AP/1450/2021
[5] MANU/GJ/0638/2019

submitted that there are specific allegations against the Petitioners which would attract the alleged offences and as such, this Court cannot conduct mini trial, while exercising the jurisdiction under Section 482 of the Cr.P.C., and prays for dismissal of the petition.

5. Learned Assistant Public Prosecutor supported the arguments advanced by the leaned counsel for Respondent No.2.

6. Having heard the submissions of the learned counsel representing both the parties, now the point that would emerge for determination is:

> *Whether there are any justifiable grounds for quashment of the proceedings against the Petitioners/Accused Nos.1 to 5 in C.C.No.1015 of 2021 on the file of the Court of IV Additional Junior Civil Judge, Tirupati?*

7. A bare perusal of Section 482 makes it clear that the Code envisages that inherent powers of the High Court are not limited or affected so as to make orders as may be necessary; (i) to *give effect to any order under the Code or, (ii) to prevent abuse of the process of any Court or, otherwise* (iii) *to secure ends of justice.* A court while sitting in Section 482 jurisdiction is not functioning as a court of appeal or a court of revision. It must exercise its powers to do real and substantial justice, depending on the facts and circumstances of the case. These powers must be invoked for compelling reasons of abuse of process of law or glaring injustice, which are against sound principles of criminal jurisprudence.

8. The decision rendered by the Hon'ble Apex Court in ***State of Haryana and others v. Bhajanlal and others***[6] is considered as the guiding torch in the application of Section 482. At Paras 102 and 103, the circumstances are spelt out as follows;

> *"**102.** In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.*
>
> *(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
>
> *(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*
>
> *(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*
>
> *(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*
>
> *(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*

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6 AIR 1992 SC 604

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

***103.** We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice."*
(emphasis supplied)

9. In the case on hand, the case of the prosecution is that, on 22.03.2019 at about 8.30 a.m., Petitioner No.1/Accused No.1, who is the Chairman of Sri Vidyaniketan Educational Institutions, A.Rangampet Village, Chandragiri Mandal along with Petitioners/Accused Nos.2 to 5, having secured the presence of their staff and students, congregated together, conducted a rally commencing from Sri Vidyaniketan Educational Institutions towards Tirupati – Madanapalli Road, by raising slogans vociferously against the-then Ruling Government of Andhra Pradesh for not granting Students' Fee Reimbursement to their educational institutions. They also conducted a dharna from 8.30 a.m., to 12.30 p.m., by raising slogans and thereby caused obstruction to the free flow of traffic, inconvenience, annoyance and risk of passengers knowing fully well that the Model Code of Conduct issued by the Election Commission of India and Prohibitory Orders under Section 30 of

Police Act, were in force. On receipt of the information about the said rally and Dharna, Respondent No.2, being Mandal Parishad Development Officer and Incharge of Model Code of Conduct Team-IV, Chandragiri Assembly Constituency along with her staff rushed to the spot and got videographed the same and lodged a report with the Police. Based on the said report a case in Crime No.102 of 2019 has been registered against the Petitioners for the alleged offences.

10. As seen from the contents of the charge sheet, there are specific allegations leveled against the Petitioners in the commission of the alleged offences. Though it is the contention of the Petitioners that they have conducted a peaceful rally, they have not restrained the public and a false case has been foisted against them, it is submitted by the learned counsel for Respondent No.2 that the said incident was videographed. However, the said video has not been placed before this Court. When it is alleged about the availability of the videograph, this Court is of the view that the same has to be proved during trial before the trial Court. This Court cannot conduct a mini trial while deciding the petition filed under Section 482 Cr.P.C. The judgments relied on by the learned counsel for the Petitioners are not helpful to the case of the Petitioners, since the facts and circumstances of the said cases are different from the present case. There are no tenable grounds to quash the proceedings against the Petitioners, at this stage. Since there are factual aspects to be decided during evidence before the trial Court, at this stage, this Court cannot conduct a mini trial while deciding the petition filed under Section

482 Cr.P.C. The case is not falling under any of the guidelines mentioned in *Bhajanlal's case (supra)*. It is a matter of trial for disclosing the truth or otherwise of the allegations leveled against the Petitioners and there are no merits for quashment of the proceedings against them and hence, the petitions deserve dismissal.

11. Accordingly, the Criminal Petition Nos.7446 and 7206 of 2022 are hereby dismissed.

Pending applications, if any, shall stand closed.

Sd/- K KASIRAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Additional Civil Judge (Junior Division), Tirupati, Chittoor District.
2. The Station House Officer, Chandragiri P.S., Tirupati Urban, Chittoor District.
3. One CC to Sri. N. Ashwani Kumar, Advocate [OPUC]
4. One CC to Sri. V. Vinod Reddy, Advocate [OPUC]
5. Two CCs to the Public Prosecutor, High Court of Andhra Pradesh at Amaravathi [OUT]
6. **Three CD Copies**

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HIGH COURT

DATED: 02/01/2025

COMMON ORDER

CRLP.Nos.7446 and 7206 of 2022



DISMISSING THE CRIMINAL PETITIONS