

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

**WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 2928 OF 2025

Between:

Sri. Valige Prabhakar, S/o V.Pedda Balaiah, Aged 40 years, Occ.Business,
R/o H.No.3-86, Subhash Nagar Colony, Kammaguda Village, Abdullapurpet
Mandal, Ranga Reddy District.T.G.

...PETITIONER/ACCUSED-1

AND

1. The State of Telangana,, Rep. by its Public Prosecutor, High Court building at Hyderabad Through PS Vanasthalipuram, Rachakonda, R.R.District.
2. Sri.Mallella Ravi Shankar, S/o M.Sailu, Aged 53 years, Occ.Business, R/o H.No.3-66/1, Injapur Village, Abdullapurmet Mandal, Ranga Reddy District, T.G.

...RESPONDENT/DEFACTO COMPLAINANT

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 FIR.No.150 OF 2025 on the file of PS Vanasthalipuram, Rachakonda, Ranga Reddy District against the petitioner/Accused-1 in the interest of justice.

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.150 OF 2025 dated 27.01.2025 on the file of PS Vanasthalipuram, Rachakonda, Ranga Reddy District including arrest of the petitioner/Accused-1, during the pendency of the present Quash Petition in the interest of justice.

Between:

Sri.Mallella Ravi Shankar, S/o M.Sailu, Aged 53 years, Occ.Business, R/o H.No.3-66/1, Injapur Village, Abdullapurmet Mandal, Ranga Reddy District, T.G.

...PETITIONER/RESPONDENT NO.2

AND

1. Sri. Valige Prabhakar, S/o V Pedda Balaiah, Aged 40 years, Occ.Business, R/o H.No.3-86, Subhash Nagar Colony, Kammaguda Village, Abdullapurmet Mandal, Ranga Reddy District, T.G.

RESPONDENT / PETITIONER

2. The State of Telangana, Rep. by its Public Prosecutor, High Court building at Hyderabad Through PS Vanasthalipuram, Rachakonda, R.R.District.

...RESPONDENTS

I.A. NO: 3 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 vacate the interim stay dt.03.03.2025 granted by this Court in IA.No.2/2025 in CrI.P. No.2928/25.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C.Kumar, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor, High Court for the State of Telangana, Hyderabad on behalf of the Respondent No.1/ State and of Sri G.Jonathan, Advocate for the Respondent No.2

The Court made the following: ORDER:

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.2928 OF 2025

DATE: 31-12-2025

Between:

Sri Valige Prabhakar

... Petitioner

And

The State of Telangana,
Rep. by its Public Prosecutor,
High Court building at Hyderabad
Through PS Vanasthalipuram,
Rachakonda, R.R.District and another

... Respondents

ORDER:

This Criminal Petition is filed by the petitioner-accused No.1 seeking to quash the proceedings against him in Crime No.150 of 2025 of Vanasthalipuram Police Station, Rachakonda, registered for the offences under Sections 329(3), 324(4) and 351(2) read with 3(5) of BNS.

2. Heard Sri C. Kumar, learned counsel for the petitioner, Sri Jithender Rao Veeramalla, learned Additional Public

Prosecutor for respondent No.1-State and Sri G. Jonathan, learned counsel for respondent No.2.

3. Learned counsel for the petitioner submitted that the matter is purely of civil in nature; that the petitioner had *ad interim* injunction in his favour and that instead of contesting the civil Suit, the present complaint is subsequently filed by respondent No.2-*de facto* complainant just to convert the civil litigation into a criminal one. He further submitted that the contention of the *de facto* complainant is that his plot falls in Survey No.247 and that two Suits are pending between the parties. He further submitted that when the civil proceedings are pending and when injunction order is granted by the trial Court in favour of the petitioner, it is not just and proper to initiate criminal proceedings against the petitioner and continuation of the said proceedings is an abuse of process of law. Learned counsel, in support of his submissions, has relied upon the decision of the co-ordinate bench of this Court in **Nagulapati Ramulu v. State of Telangana and others**¹. He further submitted that an unimpeachable document can be considered while deciding a quash petition, as was held by the Honourable Apex Court in **Suryalakshmi Cotton Mills**

¹ 2024 (6) ALT 221 (1S)

Limited v. Rajvir Industries Limited and others². He further submitted that a civil case cannot be converted into a criminal case, especially when Suits are pending between the parties. He further submitted that the allegations in the complaint do not attract any of the offences alleged against the petitioner herein. He, therefore, prayed to quash the proceedings in the present crime against the petitioner herein.

4. Learned counsel for respondent No.2 has submitted that *ad interim* injunction is granted in respect of plot Nos.259 and 260 in Survey Nos.237 and 239, whereas plot Nos.259 and 260 fall in survey No.247 and respondent No.2 has filed vacate stay application before the trial Court. He further submitted that the Sale Deed of respondent No.2 pertains to the year 1986, wherein it is mentioned that plot Nos.259 and 260 fall in Survey No.247. He further submitted that admittedly there are civil cases pending between both the parties, but the acts committed by the petitioner are criminal in nature and thus, initiation of criminal proceedings against the petitioner is maintainable. He further submitted that the petitioner has trespassed into the land of respondent No.2 and removed his container and demolished the boundary stones

² (2008) 13 SCC 678.

and further, threatened respondent No.2 with dire consequences. Thus, in the said circumstances, a complaint has been given and the criminal law is set into motion. He further submitted that respondent No.2 is the rightful owner and is in possession of the subject property. He, therefore, prayed to dismiss the Criminal Petition.

5. Learned Additional Public Prosecutor has submitted to pass appropriate orders in the Criminal Petition.

6. Perused the record.

7. It is borne out by record that a Suit *vide* O.S.No.22 of 2025 on the file of learned Principal Junior Civil Judge-cum-XIV Additional Judicial Magistrate of First Class, Ranga Reddy District at Hayathnagar, was instituted by the petitioner and others, wherein *ad interim* injunction was granted in favour of the petitioner on 08.01.2025. It is further borne out that on a petition made by the *de facto* complainant, the Municipal Commissioner through his letter, dated 21.01.2025, addressed to the Station House Officer, requested the competent revenue authorities to conduct the necessary survey and demarcate the boundaries of plot Nos.259 and 260, so that it would establish the correct

survey numbers and clarify the ownership details, but, however, stated that as per the web-site 'nrsc.gov.in' at ISRO, Bhuvan, the proposed site is falling in Survey No.247. Thus, there appears to be a dispute with regard to the location of plot Nos.259 and 260, as to whether it falls in survey No.247 or 237 and 239. The contention of the petitioner's counsel is that when a civil Suit is pending, conducting survey would amount to collection of evidence and thus, once a civil Suit is pending before the trial Court for adjudication, the parallel proceedings by any other authority to conduct survey is not correct.

8. In **Nagulapati Ramulu's** case (supra 1), it was held thus:

"22. In view of the aforesaid discussion and having regard to the pendency of suits filed by both the parties seeking comprehensive reliefs and the same are pending for adjudication in respect of the subject property, it is not advisable to conduct survey and fix boundaries as sought in W.P.No.44081 of 2022. Similarly, during pendency the aforesaid suits, the Investigating Officer cannot seek the information in respect of the subject property from the Tahsildar for conducting investigation in Crime Nos.85 and 92 of 2002 registered on the reports made by both the parties. The aforesaid findings of this Court in the judgment dated 22.04.2022 in S.A.No.56 of 2012 are also relevant. The Investigating Officer has to confine his investigation only with regard to the offences under IPC. Thus, in the light of the same, the letter dated 19.07.2022

addressed by Sub-Inspector of Police, Kattangur Police Station to the Tahsildar, Kattangur, is liable to be set aside and accordingly it is set aside."

Thus, by applying the said decision, the petitioner's counsel contends that when a civil Suit is pending, no such orders to conduct survey can be passed. In the said case, the order under challenge was to set aside the letter addressed by the police to the Tahsildar seeking to conduct survey, but in the present case, the petitioner is seeking to quash the criminal proceedings pending against him. Further, it is pertinent to mention in this regard that only *ad interim* injunction is granted in favour of the petitioner and that injunction is not yet granted on merits.

9. Learned counsel for the petitioner contended that in **Suryalakshmi Cotton Mills Limited's** case (supra 2), it was held that documents of unimpeachable character can be taken into consideration for the purpose of finding out as to whether continuation of the criminal proceedings would amount to an abuse of process of Court or that the complaint petition is filed for causing mere harassment to the accused. But, in the very same judgment, it was held that the Courts cannot travel beyond its jurisdiction to interfere with the proceedings which are otherwise genuine and also cannot lose sight of the fact that in certain

matters, both civil proceedings and criminal proceedings would be maintainable. The respondent No.2 alleges that the petitioner has removed the container present in his plot and also the boundary stones. The alleged act would attract the ingredients under Sections 329(3), 324(4) and 351(2) of BNS.

10. Admittedly, there are disputes with regard to identification of the property, but if at all the petitioner is right in contending that he is in possession of the property, there was no necessity for him to remove the alleged container from the subject plot and in case, the *de facto* complainant has illegally trespassed into the property of the petitioner and dispossessed him, he should seek appropriate remedies according to law, but he cannot take the law into his own hands. *Prima facie* the allegations point out the offences under Sections 329(3), 324(4) and 351(2) of BNS against the petitioner herein. Since the offences alleged are punishable with less than seven years imprisonment, it is deemed appropriate to direct the police to invoke Section 35(3) BNSS against the petitioner herein.

11. Accordingly, the Criminal Petition is disposed of directing the petitioner to appear before the Investigating Officer concerned on or before 20.01.2026 between 11:00 AM and

5:00 PM, 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**³ scrupulously and complete the investigation strictly in accordance with law. The petitioner is also directed to co-operate with the Investigating Officer and to furnish the requisite information and documents as and when required by him.

Miscellaneous Petitions pending, if any, shall stand closed.

Sd/- M.OSMAN ALI BAIG
ASSISTANT REGISTRAR

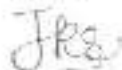
//TRUE COPY//


SECTION OFFICER

To

1. The Principal Junior Civil Judge –Cum- XIV Additional Judicial Magistrate of First Class, Rangareddy District at Hayathnagar. (with records if any)
2. The Station House Officer, Vanasthalipuram Police Station, Hyderabad.
3. One CC to Sri. C.Kumar, Advocate [OPUC]
4. One CC to Sri.G.Jonathan, Advocate [OPUC]
5. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
6. Two CD Copies.

PSK/BA



³ (2014) 8 SCC 273

HIGH COURT

DATED:31/12/2025



ORDER

CRLP.No.2928 of 2025

DISPOSING OF THE CRIMINAL PETITION

⑨ JKS
27/1/26