IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY SECOND DAY OF SEPTEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No: 5689 OF 2025

Between:

1. Konda Rameshwar Reddy, S/o. Late Ranga Reddy, aged about 79 years, Occ. Business,
2. Sulochana Reddy Ala, W/o. Konda Rameshwar Reddy, aged about. 72 years, both residing at. R/o. H. No. 3-4-526/27, Barkatpura, Hyderabad, Telangana. presently residing at. Gainesville, Florida, United States of America.

...PETITIONER/ACCUSED Nos.1 & 2

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court of Telangana, Hyderabad. **...RESPONDENT No.1**
2. Konda Venkata Narasimha Reddy, S/o. Late Konda Ranga Reddy, aged about 72 years, Occ: Business, R/o. H.No.1-2-597/36-41, Flat No. 509. Block-B, SVSS Sankalp Apartments, Domalguda, Hyderabad. and R/o. Anurag Villa, Barkatpura, Hyderabad.

...RESPONDENT No.2/DE-FACTO COMPLAINANT

Petition under Section 528 of the B.N.S.S. praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash FIR No.883 of 2024 dated 12-12-2024 on the file of the Shameerpet Police Station, Cyberabad

I.A. NO: 2 OF 2025

Petition under Section 528 of B.N.S.S. 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 investigation and arrest in pursuance of FIR No. 883 of 2024 dated 12-12-2024 on the file of the Shameerpet Police Station, Cyberabad.

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 extend the interim orders dated 29-04-2025 passed in Crl P.No.5689 of 2025.

I.A. NO: 4 OF 2025

Between:

Konda Venkata Narasimha Reddy, S/o. Late Konda Ranga Reddy, aged about 72 years, Occ: Business, R/o. H.No.1-2-597/36-41, Flat No 509. Block-B, SVSS Sankalp Apartments, Domalguda, Hyderabad. and R/o. Anurag Villa, Barkatpura, Hyderabad.

...Petitioner/Respondent

AND

1. Konda Rameshwar Reddy, S/o. Late Ranga Reddy, aged about 79 years, Occ. Business,
2. Sulochana Reddy Ala, W/o. Konda Rameshwar Reddy, aged about. 72 years, both residing at. R/o. H. No. 3-4-526/27, Barkatpura, Hyderabad, Telangana. presently residing at. Gainesville, Florida, United States of America.

...Respondents/Petitioners/Accused No.1 & 2

3. The State of Telangana, Represented by its Public Prosecutor, High Court of Telangana, Hyderabad.

...Respondent/Respondent

Petition under Section 582 of B.N.S.S. praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to vacate the stay order dated 29-04-2025 in the above Crl.P.No.5689 of 2025 in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M.V. Pratap Kumar, Advocate for the Petitioners and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and of Sri J. Rama Mohan Rao, Advocate for the Respondent No.2.

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.5689 OF 2025

ORDER:

This Criminal Petition is filed by the petitioners – accused Nos.1 and 2 seeking to quash the proceedings in FIR No.883 of 2024 on the file of P.S. Shameerpet, Cyberabad registered for the offences under Sections 318(4), 338, 351(2) read with 61(2) of The Bharatiya Nyaya Sanhita, 2023 (for short "BNS, 2023").

2. Heard the submissions of Sri M.V.Pratap Kumar, learned counsel for the petitioners and Sri J. Ram Mohan Rao, learned counsel for respondent No.2.

3. The learned petitioners counsel has submitted that the matter is purely of civil nature. The petitioners are innocent and a false case has been foisted on the petitioners. He submitted that the petitioner No.1 is the rightful owner of the land and has a Pattadar Pass Book in his name and that the respondent No.2 i.e, the de-facto complainant has sold away his share of the land according to the family arrangement and now is making false claim which is not tenable. He further submitted that the respondent No.2 has held a limited right of GPA for a particular period of time over the land of the petitioner No.1 which was revoked in the year 2017 as he was performing wrongful acts. He

further submitted that respondent No.2 is aware of the ownership of the petitioner No.1 over the subject property and that he never cheated the respondent No.2 and that a complaint is filed with all false allegations against the petitioners herein. He therefore, prayed to quash the petition.

4. The learned counsel for respondent No.2 has submitted that the so called Pattadar Pass Books held by the petitioner No.1 are fake and that without there being any link document, he got his name entered into revenue records illegally by managing the revenue authorities. He further submitted that he created fictitious documents, and entered his name into Dharani Portal and therefore, he complained in the year 2022. He further submitted that petitioner No.1 has given GPA to him and without his knowledge, the petitioner herein is claiming excess land. He further submitted that he gave NOC and expressed that his brother/K. Rameshwar Reddy can take his decision on the sale, development or any other transaction as to the property and that all previous GPA's given in his favour are null and void and that GPA got cancelled vide Registered Cancellation Deed dated 27.12.2017 and the said NOC was given to the extent of only Ac.12.17 ½ guntas, but whereas now the petitioner is claiming Ac.19.04 guntas which is not

correct and that the petitioner has not approached the Court with clean hands and therefore, prayed to dismiss the petition.

5. Perused the record.

6. The petitioners counsel has relied upon the decision of a Coordinate Bench of this Court in CRLP.No.5948 of 2023, wherein the petitioners were facing false allegations under Sections 417, 420, 468, 467, 506 read with 34 of the Indian Penal Code and a Criminal Petition was allowed and the proceedings were quashed against the petitioners, observing that the allegations do not get attracted against the petitioners. In the present case, it is alleged that the entries in the revenue records are made based on fake documents. The contention of the de-facto complainant is that the petitioner is claiming more than what he gets into his share.

7. The record reveals that there is a land dispute between the brothers. Not only the witnesses, but the entire documents filed by both the parties need to be examined and properly adjudicated after a full-fledged trial. The allegations do point out the offences against the petitioners. The investigation is still in progress. Therefore, this Court is not inclined to interfere with the said process.

8. In ***Indian Oil Corporation Vs. NEPC India Limited***[1]

the Hon'ble Supreme Court had held as under:-

> *9. The principles relating to exercise of jurisdiction under Section 482 of the Code of Criminal Procedure to quash complaints and criminal proceedings have been stated and reiterated by this Court in several decisions. To mention a few - Madhavrao Jiwaji Rao Scindia v. Sambhajirao Chandrojirao Angre [1988 (1) SCC 692], State of Haryana vs. Bhajanlal [1992 Supp (1) SCC 335], Rupan Deol Bajaj vs. Kanwar Pal Singh Gill [1995 (6) SCC 194], Central Bureau of Investigation v. Duncans Agro Industries Ltd., [1996 (5) SCC 591], State of Bihar vs. Rajendra Agrawalla [1996 (8) SCC 164], Rajesh Bajaj v. State NCT of Delhi, [1999 (3) SCC 259], Medchl Chemicals & Pharma (P) Ltd. v. Biological E. Ltd. [2000 (3) SCC 269], Hridaya Ranjan Prasad Verma v. State of Bihar [2000 (4) SCC 168], M. Krishnan vs Vijay Kumar [2001 (8) SCC 645], and Zandu Phamaceutical Works Ltd. v. Mohd. Sharaful Haque [2005 (1) SCC 122]. The principles, relevant to our purpose are :*
>
> > *(i) A complaint can be quashed where the allegations made in 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 the case alleged against the accused.*
> >
> > *For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.*
> >
> > *(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with malafides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.*
> >
> > *(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The*

[1] (2006) 6 Supreme Court Cases 736

power should be used sparingly and with abundant caution.

(iv) The complaint is not required to verbatim reproduce the legal ingredients of the offence alleged. If the necessary factual foundation is laid in the complaint, merely on the ground that a few ingredients have not been stated in detail, the proceedings should not be quashed. Quashing of the complaint is warranted only where the complaint is so bereft of even the basic facts which are absolutely necessary for making out the offence.

(v) A given set of facts may make out : (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceedings are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by itself a ground to quash the criminal proceedings. The test is whether the allegations in the complaint disclose a criminal offence or not.

10. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable break down of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure though criminal prosecution should be deprecated and discouraged. In G. Sagar Suri vs. State of UP [2000 (2) SCC 636], this Court observed :

"It is to be seen if a matter, which is essentially of civil nature, has been given a cloak of criminal

> *offence. Criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal court has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this Section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice."*

9. The Hon'ble Supreme Court has specifically held that if the complaints relate to civil wrong or commercial transaction or contractual dispute, it would amount to abuse of process of law and the High Court has inherent jurisdiction to quash the proceedings.

10. In ***Kathyayini v. Sidharth P.S. Reddy***[2], the Apex Court has held that pendency of civil proceedings on the same subject matter, involving the same parties is no justification to quash the criminal proceedings if a *prima facie* case exists against the accused persons.

11. In the present case the allegations point out a *prima-facie* case against the petitioners herein that they got wrong entreis made in revenue records based on fake documents. Hence, the proceedings cannot be quashed, though the civil disputes are pending between both the petitioners, that cannot be a ground to quash the proceedings against the petitioners herein as the allegations point out the offence of forgery against them. Therefore the petition lacks merits.

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[2] 2025 LiveLaw (SC) 712

12. In the result, the Criminal Petition is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

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SECTION OFFICER

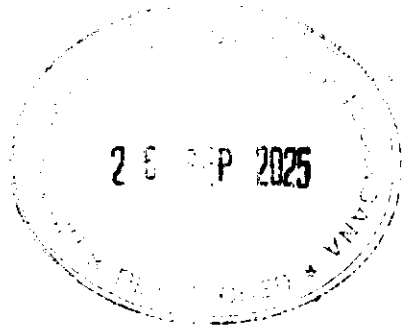
To,

1. The VII Additional Metropolitan Magistrate at Medchal, Cyberabad.
2. The Station House Officer, Shameerpet Police Station, Cyberabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri M.V. Pratap Kumar, Advocate [OPUC]
5. One CC to Sri J. Rama Mohan Rao, Advocate [OPUC]
6. Two CD Copies

Kam/PSL

HIGH COURT

DATED:22/09/2025



ORDER

CRLP.No.5689 of 2025

DISMISSING OF THE CRIMINAL PETITION

(9)

tcps
26/9/25