

IN THE HIGH COURT FOR THE STATE OF TELANGANA

WEDNESDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 11996 OF 2025

Between:

1. Mattaeda Madhulatha, W/o. Sadanandam, Aged about 39 Years, Occ Private Doctor, R/o. H. No. 25- 1- 39/93, Somidi, Kazipet, Hanumakonda District.

...PETITIONER/ACCUSED(S)

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad Through W. P. Kazipet, Hanumakonda District.
2. Datla Babu, S/o. Late. Agaiah, Aged about 45 Years, R/o. H. No. 25- 1- 39/93, Somidi, Kazipet, Hanumakonda District.

...RESPONDENT/COMPLAINANTS

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 charge sheet registered vide impugned C. C. No. 282 of 2025, dt. 10. 02. 2025 registered U/sec. 329(3), 324(4), 292, 115(2), 351 (2) r/w. 3(5) of BNS Act on the file of the 1st Addl. Judicial First class magistrate, at Hanamakonda, Telangana, in the interest of justice

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 grant stay of all further proceedings including dispense with the petitioners presence in furtherance of the charge sheet registered vide C.C. No. 282 of 2025, dt. 10.02.2025 registered U/sec. 329(3), 324(4), 292, 115(2), 351 (2) r/w. 3(5) of BNS Act on the file of the 1st Addl. judicial First class magistrate, at Hanamakonda, Telangana, 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 R MANGULAL, Advocate for the Petitioner and Smt. Shalini Saxena the Assistant Public Prosecutor (TG) on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA**CRIMINAL PETITION No.11996 OF 2025****ORDER:**

This Criminal Petition is filed by the petitioner – accused No.2 seeking to quash the proceedings in C.C.No.282 of 2025 on the file of the learned I Additional Judicial First Class Magistrate, Hanamakonda, registered for the offences under Sections 329(3), 324(4), 292, 115(2), 351(2) read with 3(5) of The Bharatiya Nyaya Sanhita, 2023 (for short “BNS, 2023”).

2. Heard the submissions of Sri R. Mangulal, learned counsel for the petitioner and the Mrs. Shalini Saxena, learned Assistant Public Prosecutor for respondent No.1 – State.

3. The learned petitioner counsel has submitted that the petitioner has injunction in his favour against the de-facto complainant and that it is purely a civil dispute. He further submitted that he gave a complaint against the de-facto complainant, but the Police denied to act upon the same, saying that it is purely civil in nature. However, the de-facto complainant has been encroaching into his property and in turn has lodged the complaint just to convert the civil case into that of a criminal one to settle the scores on civil

side. He further submitted that the petitioner is in possession of his own property and that he cannot be said to have trespassed into his own land. Hence, he therefore, prayed to quash the proceedings against him.

4. The learned Assistant Public Prosecutor has submitted that the prosecution could examine the eye witnesses to the alleged trespass. It is further made out during the course of investigation that the petitioner was armed with a knife and created panic in the minds of the de-facto complainant and others. Therefore, she prayed to dismiss the petition.

5. Perused the record.

6. The copy of the orders in I.A.No.658 of 2024 in O.S.No.1099 of 2024 is filed along with this petition. A perusal of the said orders reveals that it is an ad-interim injunction in favour of the petitioner's husband and the said orders are not on contest, thus, the dispute remains in the Civil Court and is yet to be adjudicated. Though the petitioner claims that he is the owner of the property and he is in possession of the property and that he cannot be alleged to have trespassed into his own land. LWs 5 and 6 are listed as eye witnesses in the charge sheet. Thus, the veracity of these

witnesses and the truth or otherwise in the allegations is yet to be brought out during the course of trial.

7. In the result, the Criminal Petition is disposed of dispensing with the attendance of the petitioner before the trial Court, unless her presence is specifically required by the trial Court during the course of trial, provided that she shall be represented by her counsel on every date of hearing.

Miscellaneous applications pending, if any, shall stand closed.

SD/- P.CH.NAGABHUSHAMBA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Addl. judicial First class magistrate, at Hanamakonda, Telangana.
2. The SHO Kazipet Police Station, Hanumakonda District.
3. One CC to SRI. R MANGULAL Advocate [OPUC]
4. One CC to SRI. PUBLIC PROSECUTOR Advocate [OUT]
5. Two CD Copies

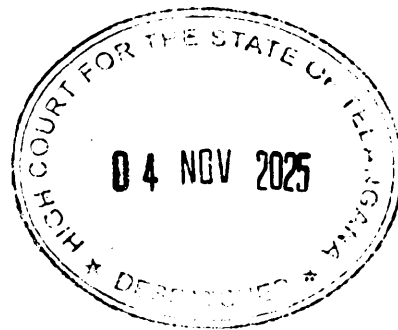
PK/PSL

Kpru

HIGH COURT

DATED:08/10/2025

DISPOSED OFF



CRLP.No.11996 of 2025

(7)

Kpr
28/10/25