

**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: 17448 OF 2025

Between:

1. Sri. Pothuganti Venkataiah, S/o. Late P.Shivaiah, Aged about: 64 years, Occ:Agriculture, R/o.Boddugudem Village, Addaguduru Mandal, Yadadri-Bhongiri District.
2. Ms Pothuganti Mangamma, D/o. P. Venkataiah, Aged about: 41 years, Occ: Agriculture, R/o.Boddugudem Village, Addaguduru Mandal, Yadadri-Bhongiri District.

...Petitioners/Accused Nos.1 & 2

AND

1. The State of Telangana, through P.S. Addaguduru, Rep. by its Public Prosecutor, High Court of Telangana State.

...Respondent/Complainant

2. Sri. Pothuganti Yadamma, W/o.Late. P.Raju, Aged about: 53 years, Occ: Agriculture, R/o.Boddugudem Village, Addaguduru Mandal, Yadadri-Bhongiri District.

...Respondent/De-facto Complainant

Petition under Section 528 of the BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to QUASH the all proceedings in .(Charge Sheet) C.C.No. 862 of 2022, u/s. 447, 427, r/w 34 of IPC, on the file of Additional Judicial First Class Magistrate, at Ramannapet proceedings, only to the extent of the petitioners have absolute title and they are not the strangers to Respondent No.2 to prevent abuse of process of law otherwise the petitioners will suffer irreparable loss and status which cannot compensated at any cost, the dispute was purely civil in nature already civil case is running vide O.S.No.277 of 2022 on the file of Prl.junior Civil Judge, Yadadri-Bhongiri District, at Ramannapet in the nature which was given the colour of a criminal offence by creating of Respondent No.2.

I.A. NO: 2 OF 2025

Petition under Section 528 of the 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 including appearance against the Petitioner/ Accused Nos.1 & 2 in connection C.C.No.862 of 2022 on the file of Additional Judicial First Class Magistrate, Yadadri-Bhongiri District, at Ramannapet pending disposal of 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 Royyala Thirupathalah, Advocate for the Petitioner and Sri. Jithender Rao Veeramalla, learned Public Prosecutor on behalf of the Respondent No.1-State and None appeared for 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.17448 of 2025

DATED : 31.12.2025

Between:

Sri Pothuganti Venkataiah and another

... Petitioners/Accused Nos.1 & 2

AND

The State of Telangana,
Through P.S. Addaguduru,
Rep., by its Public Prosecutor,
High Court of Telangana State and another

...Respondents

:: ORDER ::

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings against them, in C.C.No.862 of 2022 on the file of learned Additional Judicial First Class Magistrate, Ramannapet, registered for the alleged offences punishable under Sections 447 and 427 r/w.34 of IPC.

2. Heard Mr. Royyala Thirupathaiah, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for the respondent No.1-State.

3. Learned counsel for the petitioners submitted that the petitioners have not committed any offence of trespass and that they are the owners of the subject land and thus, the allegation that they are entering into their own land, does not amount to trespass. He further submitted that the *de facto* complainant has no knowledge about the location of the property and has raised false allegation against them. He further submitted that the petitioners filed a suit *vide* O.S.No.277 of 2022 seeking perpetual Injunction and that it is pending. That the present case is filed to give a criminal colour to the civil dispute, he, therefore, prayed to quash the proceedings in C.C.No.862 of 2022.

4. Learned Additional Public Prosecutor submitted that the petitioners themselves have filed a suit for identification of the property and thus, they themselves are not sure about the location of the property. He further submitted that the Prosecution recorded the statements of eye witnesses during the course of investigation, which needs to be tested during the course of trial and therefore, he prayed this Court to dismiss the petition.

5. Perused the record.

6. The contents of the complaint and the recitals of charge sheet point out the allegations for the offences under Sections 447 and 427 r/w 34 of IPC against the petitioners herein. The record further discloses that a civil dispute is pending between the parties with regard to the subject land. LWs-3 and 4 are listed as eye-witnesses.

7. Therefore, the veracity in the statement of the witnesses and also the truth or otherwise of the allegations can be culled out only after a full-fledged trial. Hence, this Court deems it appropriate to dispense with the presence of the petitioners before the trial Court.

8. Accordingly, this Criminal Petition is disposed of dispensing with the presence of the petitioners before the trial court provided that they are represented by a counsel before the trial court on every date of hearing and shall appear before the trial court whenever their presence is required during the course of trial.

Miscellaneous Petitions pending, if any, shall stand closed.

SD/- K. BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Judicial First Class Magistrate, At Ramannapet
2. The Station House Officer, Addagudur Police Station, Rachakonda District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad. [OUT]

Cmtd...

4. One CC to Śrī Rōyyala Thirupathaiah, Advocate [OPUC]
5. Two CD Copies

GNK/PSL

Jks

HIGH COURT

DATED:31/12/2025



ORDER

CRLP.No.17448 of 2025

DISPOSING THE CRIMINAL PETITION

(8) — JKS
28/1/26