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APHC010004972023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3604]
(Special Original Jurisdiction)

FRIDAY, THE 6th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 108/2023

Between:

1. GUDLURI RAMANA REDDY, S/O LATE EKAMBARA REDDY AGED ABOUT 45 YEARS, OCC FARMER, R/O GUNDLURUVARIPALLE VILLAGE, AMMAGARIPALLE, SODUM MANDAL, CHITTOOR DISTRICT.
2. N.PRUTHVI,, S/O N.VENKATARAMANA R/O BANDARLAVARI PALLI VILLAGE AMMAGARI PALLI, SODAM MANDAL, CHITTOOR DIST.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR HIGH COURT OF JUDICATURE AT AMARAVATHI. ....RESPONDENT
2. MANGAMMA KESAVARAM, W/O K.YELLAPPA REDDY RIO BANDARLAVARIPALLI VILLAGE, AMMAGARI PALLI, SODAM MANDAL, CHITTOOR DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court pleased to stay all further proceedings, including the appearance of the petitioners pursuant to C.C.No.184 of 2021 on

the file of Learned Special Magistrate, Piler, Annamaiah District pending disposal of the petition for quashing and pass

IA NO: 1 OF 2023

Petition under Section 482 of Cr.P.C and 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, including the appearance of the petitioners pursuant to C.C.No.184 of 2021 on the file of Learned Special Magiatrate, Piler, Annamaiah District, pending disposal of the petition for quashing and pass such other orders as are deemed fit and proper in the circumstances of the case.

IA NO: 2 OF 2023

Petition under Section 482 of Cr.P.C and 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 order passed in I.A No.1 of 2023 in Crl.P No. 108 of 2023 dated 04.01.2023 and pass

IA NO: 3 OF 2023

Petition under Section 482 of Cr.P.C and 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 order dated 04.01.2023 in CRLP No. 108 of 2023 and pass

Counsel for the Petitioner/accused(S):

1. M/S INDUS LAW FIRM

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)
2. KRISHNA DARAPU

The Court made the following:

THE HONOURABLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No. 108 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners/Accused Nos.1 and 2 to quash the proceedings in C.C. No.184 of 2021 on the file of the learned Special Magistrate, Piler, for the offences punishable under Sections 323 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC").

2. The case of the petitioners, in brief, is that the mother of petitioner No.1, Smt. Gundluru Lakshmi Devi, has been in possession and enjoyment of Government poramboke land in an extent of Ac.0.048 cents in Survey No.201/7 and Ac.0.09 cents in Survey No.201/8 for the last 70 years, she made the land fit for cultivation and has been using it for agricultural purposes, the Tahsildar issued D. Namuna dated 18.07.2008 recognising her possession and also issued a pattadar passbook and title deed and when Kesavaram Yellapa Reddy, Kesavaram Chenchu Reddy and Smt. Kesavaram Mangamma attempted to interfere with her possession on 08.06.2019, she filed O.S. No.151 of 2019 before the learned Principal Civil Judge (Junior Division), Piler and she also filed a petition in I.A. No.218 of 2019 seeking temporary injunction and at the culmination of enquiry, granted temporary injunction and the same has been extending from time to time. Further, the respondent No.2, who is defendant No.3 in the said suit, gave report against them only to exert pressure on the mother of petitioner No.1 to withdraw the civil proceedings. Further, the dispute is essentially one concerning possession and enjoyment of the land and is already pending adjudication before the competent civil Court, the relevant circumstances were not properly considered during the investigation and that continuation of the criminal proceedings would amount to an abuse of the process of the Court, petitioner No.1 is a software engineer working at Bengaluru and petitioner No.2 is a farmer.

3. Heard the learned counsel for the petitioners, the learned counsel for respondent No.2 and the learned Assistant Public Prosecutor. Perused the petition and the material placed before this court.

4. Learned counsel for the petitioners would argue that the complaint arose out of the dispute relating to possession of the subject land, the mother of petitioner No.1 had already instituted a civil suit and obtained an interim injunction against respondent No.2, her husband and others, the report is given with an intention to pressurise her in the pending civil proceedings and relied upon the judgments in ***Bhikhubhai Govindbhai Patel and another v. State of Gujarat and another***[1] and ***Dr. Sonia Verma and another v. State of Haryana and another*** [2].

5. Per contra, learned counsel for respondent No.2 submits that the pendency of a civil dispute does not prevent the aggrieved party from initiating criminal proceedings when the allegations also disclose criminal offences, specific allegations have been made against both the petitioners and that the truth of those allegations can be tested only during trial. The learned Assistant Public Prosecutor supports the said submissions.

6. As seen from the record, basing on the report of respondent No.2, a case in Crime No.74 of 2019 was registered for the offences punishable under Sections 323 and 506 read with Section 34 IPC against the petitioners and after completion of investigation, the investigating officer laid charge sheet for the said offences, against both the petitioners alleging that on 04.08.2019 at about 7.30 a.m., while the husband of respondent No.2 was attending to agricultural work in the disputed land, the petitioners went there and beat him with a stick and on coming to know the said incident, respondent No.2 and her son went there and by then, the petitioners were ploughing the land with a tractor, petitioner No.1 pushed respondent No.2 aside and beat her son with a stone and hands, causing injuries.

[1] 2026 INSC 532
[2] 2024 INSC 227

7. It is not in dispute that the mother of petitioner No.1 and respondent No.2 are asserting competing claims of possession over the same land. It is also borne out by the record that the mother of petitioner No.1 instituted O.S. No.151 of 2019 and obtained an interim injunction in I.A. No.218 of 2019 against respondent No.2, her husband and others. The alleged occurrence of 04.08.2019 is stated to have taken place on the very land which is the subject matter of that civil suit. Thus, the criminal case has its origin in the subsisting dispute between the parties over possession and enjoyment of the property.

8. It is true that the mere pendency of a civil dispute does not, by itself, justify quashing of criminal proceedings. If the allegations disclose the commission of a criminal offence, the criminal law may proceed independently, notwithstanding the pendency of a civil suit. At the same time, the existence of a civil dispute and the surrounding circumstances are relevant while examining whether the criminal process is being used for a purpose other than the enforcement of criminal law. The Court must consider the substance of the allegations and the material collected during investigation, and not merely the labels assigned to the complaint.

9. The jurisdiction under Section 482 Cr.P.C. is to be exercised sparingly and with circumspection. The Court is not expected to conduct a mini trial or to decide disputed questions of fact. At the same time, it is not required to accept the prosecution version mechanically where the attending circumstances and the material on record show that continuation of the proceedings would amount to an abuse of the process of the Court. In ***Mahmood Ali v. State of Uttar Pradesh***[3] the Hon'ble Supreme Court recognised that the Court may look into the attending circumstances emerging from the record while considering a prayer for quashing.

10. The present case falls within the well settled categories warranting interference under section 482 of the Cr.P.C as delineated in ***State of***

[3] 2023 INSC 681

Haryana v. Bhajan Lal*[4]*, namely, where the dispute is predominantly civil in nature, where the allegation fail to disclose the essential ingredients of the alleged offences, where the criminal proceedings are manifestly attended with malafide intention, where there is extraordinary and unexplained delay, and where continuation of the prosecution would amount to abuse of process of court, also make it clear that the inherent jurisdiction may be exercised where the allegations and the material collected do not disclose the commission of an offence or where continuation of the proceedings would otherwise amount to an abuse of the process of the Court. This power, however, cannot be used to assess the credibility of witnesses or to weigh the evidence as would be done at the stage of trial.

11. In both the cases relied upon by the learned counsel for the petitioners in ***Bhikhubhai Govindbhai Patel (supra)*** and ***Dr. Sonia Verma (supra),*** Hon'ble Apex Court having discussed about civil disputes among both parties and also considering the attending circumstances, quashed the proceedings against the accused there in***.*** In the present case, the material placed before this Court shows that the dispute between the parties is not an isolated disagreement but is directly connected with their rival claims over the subject land. The mother of petitioner No.1 had approached the civil Court before the alleged occurrence and had obtained an interim order protecting her possession. Respondent No.2 is a party to that suit. The alleged incident is also stated to have occurred while the parties were asserting their respective claims over the same property. These circumstances assume relevance in assessing the nature and context of the criminal complaint.

12. In view of the pending civil litigation and the interim injunction operating in favour of the mother of petitioner No.1, material produced by the prosecution does not provide sufficient basis to conclude that the criminal proceedings represent an independent prosecution arising out of a distinct

[4] AIR 1992 SC 604

criminal occurrence. The allegations are inseparably intertwined with the contest over possession of the land, and the criminal case appears to have been set in motion in the midst of that dispute. This Court is conscious that the allegations of assault, if independently supported by legally admissible material, may constitute offences under the IPC and that a civil dispute cannot confer immunity from criminal liability. The conclusion in this case is confined to the material and circumstances placed on record in this petition. It is not a finding on the title to, or lawful possession of, the subject land, which are matters for the competent civil Court. Nor shall this order be understood as expressing any opinion on the rights of the parties in O.S. No.151 of 2019.

13. Having regard to the prior institution of the civil suit, the interim injunction granted therein, the close connection between the alleged occurrence and the dispute over possession, and the overall circumstances appearing from the record, this Court is of the view that permitting the proceedings in C.C. No.184 of 2021 to continue against the petitioners would amount to an abuse of the process of the Court and this is a fit case to exercise the inherent jurisdiction under Section 482 Cr.P.C. to secure the ends of justice.

14. **In the result**, and for the foregoing reasons, this Criminal Petition is allowed, quashing the proceedings against the petitioners/ accused Nos.1 and 2 in C.C. No.184 of 2021 on the file of the learned Special Magistrate, Piler, for the offences punishable under Sections 323 and 506 read with Section 34 IPC.

As a sequel, any miscellaneous petitions pending in this Criminal Petition shall stand closed.

SUNITHA GANDHAM,J

Date:06.11.2026
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