Date of reserved for orders : 29-09-2026
Date of pronouncement : 30-10-2026
Date of uploading : 30-10-2026

APHC010011052023

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

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 209/2023

Between:

1. PAAPIDI MADAN MOHAN REDDY, S/O.RAGHUNATHA REDDY AGED 47 YEARS, OCCCORRESPONDENT ARCHANA VIGNAN EDUCATIONAL RURAL DEVELOPMENT SOCIETY R/O.DOOR NO.83/12-B, KATAVAKINDA PAAPIREDDIPALLE, EGUVA ABBAVARAM VILLAGE RAYACHOTI MANDAL, YSR KADAPA DISTRICT, AP

2. PAAPIREDDI LAKSHMI DIVI @ LAKSHMI, W/O.MADAN MOHAN REDDY AGED 43 YEARS, R/O.DOOR NO.83/ 12-B, KATAVAKINDA PAAPIREDDIPALLE, EGUVA ABBAVARAM VILLAGE RAYACHOTI MANDAL, YSR KADAPA DISTRICT, AP

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR HIGH COURT OF AP, AMARAVATI.

2. GUTAM SUBBARAYUDU DIED PER L R, S/O.MALLAIAH, AGED 68 YEARS EGUVA ABBAVARAM HARIJANAWADA 30TH WARD, RAYACHOTY TOWN, YSR KADAPA DISTRICT, AP.

3. SMT GUTAM NAGULAMMA, W/O. LATE GUTAM SUBBARAYUDU, R/O. EGUVA ABBARAM HARIJANAWADA 30TH WARD, RAYACHOTY TOWN, RAYACHOTY MANDAL, YSR KADAPA DISTRICT, ANDHRA PRADESH. SINCE RESPONDENT NO.2 IS DIED, RESPONDENT'S LR'S IS BROUGHT ON RECORD AS RESPONDENT NO.3 AS PER THE COURT'S ORDER DATED 16.09.2025 IN I.A.NO.1 OF 2025 IN CRL.P.NO.209 OF 2023.

...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 quash the proceedings in Spl.S.C.No.38/2020 on the file of IV additional District and Sessions Judge-cum-Special Court for SC and ST Offences, Kadapa, YSR Kadapa District, Andhra Pradesh 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 dispense with the filing of the Certified copy of the Spl. S.C 38/2020 on the file of IV Addl. District and Sessions Judge cum Special Court for SC and ST Offences, Kadapa

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 stay all further proceedings in Spl. S.C 38/2020 on the file of IV Addl. District and Sessions Judge cum Special Court for SC and ST Offences, kadapa, YSR Kadapa

IA NO: 1 OF 2025

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 permit the petitioners to bring the proposed respondent no.3 as party respondent no.3 on record in CrI.P.No.209/2023 being the L.R. of the deceased 2nd respondent and pass

Counsel for the Petitioner/accused(S):

1. D KODANDARAMI REDDY

Counsel for the Respondent/complainant(S):

1. V R REDDY KOVVURI
2. PUBLIC PROSECUTOR (AP)

The Court made the following:

HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No:209 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners/ accused Nos.1 and 2 to quash the proceedings against them in Spl. S.C. No. 38 of 2020 on the file of the IV Additional District and Sessions Judge-cum-Special Court for SC & ST Offences, Kadapa, for the offences punishable under Sections 447, 341 and 506 of the Indian Penal Code (hereinafter referred to as 'the Code') and Sections 3(1)(f), (g), (s) and 3(2)(v)(a) of the SC & ST (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the Act').

2. The case of the petitioners, in brief, is that they are innocent, they have not committed any offence, no such incident occurred as alleged by the prosecution, there was an abnormal delay of one and half year in giving the report, which itself shows that the case was foisted against petitioner No.1 and his wife. Further, the material reveals that there are civil disputes between petitioner No.1 and his uncle, Dr. Narayana Reddy, they never demanded the respondent No.2 to sell his land and there is no need for the petitioners to purchase the house site from respondent No.2 and continuation of criminal proceedings against the petitioners is nothing but an abuse of the process of law.

3. The case of the prosecution is that the de facto complainant and 29 others belonging to the Scheduled Caste purchased land in an extent of Ac.0.60 cents in Survey No. 22/1 of Abbavaram Village from Siddamma, wife of Gurivi Reddy, to lay house sites. Out of the 30 members, 28 persons alienated their land to the Correspondent of Archana Educational Institution, namely, Paapireddy Madan Mohan Reddy (petitioner/Accused No.1) and executed registered sale deeds in the name of his wife, Pappireddy Lakshmi Devi (petitioner/Accused No.2) vide sale deeds dated 01.12.2017. Further,

both petitioners demanded the respondent No.2 to sell his land to them, but he refused and about one and half year prior to the date of incident, while the de facto complainant/respondent No.2 was standing in front of his house, both petitioners insisted him to alienate the land and for which also, he refused, whereupon both the petitioners abused respondent No.2 and his wife by referring to their caste name and threatened to erect a fence, and on the following day, they fenced the total extent of Ac. 0.60 cents, including the land of petitioner No.2 and on several occasions, respondent No.2 requested the petitioners to remove fence but they failed to do so and grabbed the land of the respondent No.2 who belongs to Scheduled Caste.

4. Heard Sri Kodandarami Reddy, learned counsel for the petitioners and Sri V. R. Reddy Kovvuri, learned counsel for respondent No. 2 as well as Smt.K. Priyanka Lakshmi, learned Assistant Public Prosecutor. Perused the petition, charge sheet and other material available on record.

5. Learned counsel for the petitioners initially would argue that there was an abnormal delay of one and half year in giving the report, petitioners are no way concerned with the alleged offence, they never demanded respondent No.2 to alienate his house site. Further, there was absolutely no material to proceed further, and continuation of these proceedings is nothing but an abuse of the process of law. Learned counsel relied upon the judgment of the Hon'ble Apex Court in ***Hashmukhlal D. Vora v. State of Tamil Nadu***[1]***.***

6. Per contra, learned counsel for respondent No.2 argued that respondent Nos.2 and 3 belong to Scheduled Caste, having purchased land in an extent of Ac. 0.58 cents of land from 28 persons, grabbed Ac. 0.02 cents of land of respondent No.2. Further, due to their inability, respondent Nos.2 and 3 could not immediately approach the concerned authority, however, on several occasions, they requested the petitioners to remove the fence, but the

[1] 2022 INSC 1292

petitioners failed to do so and finally, they gave report. Learned counsel relied upon the judgment in ***Skoda Auto Volkswagen (India) Private Limited v. State of Uttar Pradesh and Others***[2], wherein it was held that mere delay on the part of the complainant in lodging a report cannot, by itself, be a ground to quash the FIR and the law is well settled on this aspect, and therefore, the delay cannot be considered a ground for quashing the proceedings.

7. The point for consideration is whether the allegations in the final report and the material collected during the investigation, taken at their face value, disclose the ingredients of the offences alleged against the petitioners and whether continuation of the proceedings would amount to an abuse of the process of the Court.

8. As seen from the record, basing on the report of respondent No.2, a case in Crime No.75 of 2019 was registered for the offences stated supra and after completion of investigation, the investigating officer laid charge sheet for the said offences, and the case was registered as Spl. S.C. No. 38 of 2020 on the file of Special Court for SC & ST Offences, Kadapa. During pendency of these proceedings, respondent No.2/ de facto complainant died and his wife is added as respondent No.3. According to the respondent No.2 and 3, they purchased land in an extent of Ac. 0.02 cents along with 28 others and the petitioners, who had already purchased Ac.0.58 cents of land, insisted the respondent Nos.2 and 3 to alienate their land and since they refused, the petitioners created documents and got fenced their land, on several occasions, they requested the petitioners to remove the fence, but the petitioners failed to do so.

9. It is not in dispute that respondent Nos.2 and 3 belong to Scheduled Caste. The crime was registered under the provisions of SC ST (POA) Act and the charge sheet also laid of the said offences. Section 3(1)(f) punishes

[2] (2021) 5 SCC 795

anyone (not being an SC/ST member) who wrongfully occupies, cultivates, or transfers land owned by, possessed by, allotted to, or notified for allotment to a member of an SC or ST community and Section 3(1)(g) punishes anyone who wrongfully dispossesses an SC/ST member from their land or premises, interferes with their enjoyment of land/forest/water/irrigation rights, or destroys/takes away their crops and produce. As per Section 3(1)(s) of the Act, any person who is not a member of an SC or ST community and who abuses a member of a Scheduled Caste or Scheduled Tribe by their caste name in any place within public view, shall be punished. Section 3(2)(v) of the Act deals with the commission of general crimes against members of Scheduled Castes (SC) or Scheduled Tribes (ST).

10. According to learned counsel for respondent No.2, son of the respondent No.2 filed a suit seeking cancellation of the sale deed dated 01.12.2017 and the suit is pending and further, respondent No.2 and another filed W.P. No.13179 of 2025, to declare the action of respondent No.3/Sub-Registrar in registering the sale deed dated 01.12.2017 in favour of petitioners, in respect of the total extent of land of Ac. 60.00 Cents in Sy.No.22/1 of Rayachoti Village Fields, Rayachoti Mandal, Annamayya District including the land of the respondent Nos.2 and 3 as arbitrary and illegal.

11. Neither the petitioners nor respondent Nos.2 and 3 filed any documents showing their right, title and possession. In the judgment relied upon by the petitioners in ***Hashmukhlal D. Vora (supra)***, the Hon'ble Supreme Court held that, while inordinate delay by itself may not be a ground for quashing a criminal complaint, unexplained inordinate delay of such length must be taken into consideration as a crucial factor while deciding quash petition. On the other hand, in the judgment relied upon by the respondent No.3 in ***Skoda Auto Volkswagen (supra),*** it was held that the mere delay on the part of the third respondent complainant in lodging the complaint cannot by itself be a

ground to quash the FIR and the law is too well settled on this aspect to warrant any reference to precedents.

12. In the present case, according to the respondent No.2, prior to one and half year of giving report, petitioners high-handedly erected fence to the total land of Ac.60.00 Cents including their land, they have been requesting the petitioners to remove the same, but they failed to do so, still the encroachment is in continuance and as such, they gave report to police.

13. The record clearly reveals that petitioner No.1 is the Correspondent of Archana Educational Institution. Both petitioners are well-educated persons, whereas respondent Nos.2 and 3 are illiterate and belong to a Scheduled Caste. The other 28 persons did not join respondent No.2 in pursuing the matter and respondent No.2 alone fought for his Ac.0.02 cents of land.

14. There can be no dispute with the settled principle that the jurisdiction under Section 482 of the Code of Criminal Procedure is to be exercised sparingly and with circumspection. At the same time, the Court is required to examine the allegations and the material collected during the investigation to ascertain whether continuation of the proceedings would amount to an abuse of the process of law. In ***Mahmood Ali v. State of Uttar Pradesh***[3], Hon'ble Supreme Court reiterated that, while considering a petition for quashing, the Court may examine the attending circumstances emerging from the record and is not required to confine itself mechanically to the recitals in the First Information Report alone.

15. The principles laid down in ***State of Haryana v Bhajan Lal***[4] also indicate the recognised categories in which the inherent power may be exercised, including cases where the allegations, even if taken at face value, do not constitute an offence; where the uncontroverted allegations and

[3] 2023 INSC 681
[4] 1992 Supp (1) SCC 335

material collected do not disclose the commission of an offence; or where continuation of the proceedings would otherwise result in an abuse of the process of the Court. However, the power is not intended to conduct a meticulous appreciation of the evidence or to determine the truthfulness of disputed factual assertions at the stage of considering a petition for quashing.

16. Having regard to the totality of the circumstances and the material placed before this Court, this Court is of the considered view that the case does not fall within any of the categories warranting the exercise of inherent jurisdiction to quash the proceedings. The fact that the report is given after lapse of one and half year, is the circumstance that may be relevant at the time of trial. However, the delay, by itself, does not furnish a good ground to conclude that the prosecution is inherently untenable. The allegations and the material collected during the investigation disclose a prima facie case requiring adjudication by the Trial Court. The contentions raised by the petitioners involve disputed questions of fact that cannot appropriately be decided in a petition filed under Section 482 of the Cr.P.C.

17. **In the result**, this Criminal Petition is dismissed. The proceedings in Spl. S.C. No. 38 of 2020 on the file of the IV Additional District and Sessions Judge-cum-Special Court for SC & ST Offences, Kadapa, shall proceed in accordance with law. It is made clear that the observations made herein are only for the purpose of deciding the present petition and shall not prejudice the Trial Court while considering the case on its merits.

As a sequel thereto, pending miscellaneous petitions, if any, shall stand closed.

SUNITHA GANDHAM, J

.10.2026
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HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No:209 OF 2023

Date: .10.2026

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