APHC010170672022

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

SATURDAY, THE 10th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 2626/2022

Between:

1. S VENKATA RAMANA REDDY @ VENKATA RAMANA REDDY S.K., S/O S. KRISHNA REDDY, AGED YEARS OCC- BUILDER, R/O SANDURIVENKAT RAMANA REDDY VILLA-6 APARNA HILLS PACK, GARDENIA, PR LAYOUT ROAD, CHANDANAGAR, RANGA REDDY DISTRICT-500050, TELANGANA STARE

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, , REP BY ITS PUBLIC PROSECUTOR SHO, CHOWDEPALLI POLICE STATION, CHITTOOR DISTRICT THROUGH THE SHO, CHOWDEPALLI POLICE STATION, CHITTOOR DISTRICT
2. KAMALAKAR, THE EXECUTIVE OFFICER SRI ABHISTA MRUTHYUNJAYESWARA SWAMY DEVASTHANAM CHOWDEPALLI VILLAGE AND 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 Courtpleased to quash the proceedings against the Petitioner/Accused in CC.No.887 of 2023 on the file of the Judicial First Class Magistrate, Punganur, and pass Prayer is amended as per the Court order dated 07.03.2026 in I.A.No.1 of 2025 in Crl.P.No.2626 of 2022.

IA NO: 1 OF 2022

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 Hon'ble Court may be pleased to dispense with the filing of the FIR.No. 1174 of 2022 on the file of station house officer, Chowdepalli Police station ,Chittoor Disrict and pass

IA NO: 2 OF 2022

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 pleased to stay all further proceedings, including appearance of the Petitioner/Accused in FIR No.174 of 2020 on the file of Station House Officer, Chowdepalli Police Station, Chittoor District, pending disposal of the above criminal petition and pass

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 Pleased to quash the proceedings against the Petitioner/Accused in FIR No 174 of 2020 on the file of Station House Officer Chowdepalli Police Station Chittoor District and to pass such other order or orders as this Hon’ble Court may deem fit, just and necessary in the circumstances of the case. Hence, in the light of above-mentioned fact. It is therefore prayed that this Hon’ble Court may be pleased to amend the Prayer in Criminal Petition as follows: “It is therefore Prayed that this Hon’ble Court may be Pleased to quash the Proceedings against the Petitioner/Accused in CC No. 887/2023 on the file of the Judicial First class Magistrate, Punganur and pass such other order or orders as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case” and to pass.

Counsel for the Petitioner/accused:

1. D S N V PRASAD BABU

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No: 2626 OF 2022

ORDER:

This Criminal Petition is filed by the petitioner/accused seeking to quash the proceedings in C.C. No. 887 of 2023 on the file of the Court of the learned Judicial Magistrate of First Class, Punganur, for the offences punishable under Sections 448, 427 and 153-A of the Indian Penal Code (hereinafter referred to as "the Code") and Section 3 of the Prevention of Damage to Public Property Act, 1984.

2. The case of the petitioner, in brief, is as follows:

The petitioner contends that the allegations in the report are unsupported by evidence and that the complaint was lodged at the instance of persons belonging to the ruling party with a mala fide intention to wreak political vengeance. It is further contended that the allegations in the FIR and the charge sheet, even if taken at face value and accepted in their entirety, do not prima facie constitute any offence against the petitioner. According to the petitioner, the temple in question is painted with the permission of its archakas, and both archakas have made statements supporting his version. It is also contended that there is no material warranting continuation of the proceedings against him.

3. Heard Sri D.S.N.V. Prasad Babu, learned counsel for the petitioner, and Smt. K. Priyanka Lakshmi, learned Assistant Public Prosecutor, appearing for the respondents.

4. Perused the petition and the material available on record.

5. Learned counsel for the petitioner submitted that there is no material to proceed against the petitioner and that the complaint was lodged out of political vendetta. He submitted that the petitioner had arranged for the temple

to be painted with bona fide intentions and that similar painting had been carried out on earlier occasions. According to him, the complaint was lodged at the instance of political opponents, without any supporting material.

6. In opposition, the learned Assistant Public Prosecutor submitted that the petitioner had arranged for the temple to be painted without obtaining permission from the competent authorities and that the matter requires a trial. She contended that the allegations and the material on record are sufficient to permit the proceedings to continue.

7. The record shows that Crime No. 174 of 2020 was registered on the basis of a report given by the Executive Officer of Sri Abhista Mruthyunjayeswara Swamy Devasthanam, Chowdepalli Village and Mandal, Chittoor District, for the alleged offences under Sections 448, 427 and 153-A of the Code and Section 3 of the Prevention of Damage to Public Property Act, 1984. The allegations were that the petitioner had undertaken certain activities in the temple without permission, damaged idols, demolished a room and arranged for the temple to be painted contrary to the temple customs and the rules of the Endowments Department. The report further indicates that the Executive Officer had received this information from villagers and that the painting had taken place before he assumed charge on 12.10.2020. He submitted the report on 28.11.2020. The statements of the archakas, as referred to in the record, indicate that the temple is being whitewashed every year on the occasion of Maha Shivaratri and that the petitioner, a former chairman, had come forward to arrange for the painting on that occasion. They stated that the practice had been followed from the inception and that no new construction had been undertaken. The de facto complainant was not present when the painting was carried out and, according to the report itself, had relied on information received from villagers. Significantly, the prosecution case, as noticed from the material referred to above, does not disclose that the petitioner demolished or damaged any idol or original structure of the temple. The material instead refers to the painting of the temple, which the

archakas state was an annual practice. In these circumstances, the mere allegation that the painting was undertaken without permission, in the absence of material disclosing the essential ingredients of the offences alleged, does not by itself justify continuation of the criminal proceedings. This conclusion is confined to the material placed before the Court for the purpose of the present petition.

8. It is well settled that, while exercising its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, the High Court ordinarily proceeds on the basis of the allegations in the complaint or FIR and the material accompanying it, without conducting an inquiry into the correctness or reliability of those allegations. However, where the allegations, even if taken at face value and accepted in their entirety, do not constitute an offence, continuation of the criminal proceedings would amount to an abuse of the process of law. The inherent power must be exercised sparingly, carefully and with circumspection.

9. In ***State of Haryana v. Bhajan Lal***[1], the Hon'ble Supreme Court illustrated the categories of cases in which the High Court may exercise its inherent powers to quash criminal proceedings. The Court must consider whether the allegations, taken at face value, disclose the commission of an offence, and must not embark upon an inquiry into the reliability or genuineness of the allegations at this stage. The inherent power is not an arbitrary jurisdiction to be exercised according to the Court's whims or caprice. The relevant categories stated by the Hon'ble Supreme Court are reproduced below:

> "(1) Where the allegations made in the first information report or the complaint, even if taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the accused.
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> (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable

[1] 1992 Supp (1) SCC 335

> offence, justifying an investigation by police officers under Section 156(1), except under an order of a Magistrate within the purview of Section 155(2) of the Code.
>
> (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence or make out a case against the accused.
>
> (4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
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> (5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable that no prudent person could ever reach a just conclusion that there is sufficient ground for proceeding against the accused.
>
> (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act to the institution or continuance of the proceedings, or where the Code or the concerned Act provides a specific provision for redress of the grievance of the aggrieved party.
>
> (7) Where a criminal proceeding is manifestly attended with mala fides or is maliciously instituted with an ulterior motive to wreak vengeance on the accused or to spite the accused due to a private and personal grudge."

10. In view of the foregoing discussion, the material referred to in the record does not prima facie disclose the essential ingredients of the offences alleged. In particular, the allegations and material noticed above do not indicate damage to an idol or the original structure of the temple, while the statements of the archakas refer to the painting as an annual practice. Continuation of the proceedings in these circumstances would amount to an abuse of the process of law.

11. ***In the result***, this Criminal Petition is allowed, and the proceedings in C.C. No. 887 of 2023 on the file of the Court of the Judicial Magistrate of First Class, Punganur, against the petitioner/accused for the offences punishable under Sections 448, 427 and 153-A of the Code and Section 3 of the Prevention of Damage to Public Property Act, 1984, are hereby quashed.

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

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SUNITHA GANDHAM, J

10.10.2026

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