APHC010241312023

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

SATURDAY, THE 21st DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 3577/2023

Between:

1. DR. A.SRIDHAR REDDY, S/O A.VEMANA REDDY, AGE. 55 YRS, OCC. DOCTOR, CHAIRMAN - INDIAN RED CROSS SOCIETY OF AP STATE, MANAGING COMMITTEE MEMBER OF NATIONAL RED CROSS SOCIETY, NEW DELHI, CHAIRMAN - DR.SRIDHAR INTERNATIONAL DENTAL HOSPITAL VIJAYAWADA, CHAIRMAN - SKPV CHILDREN'S TRUST, GOLLAPUDI, R/O D.NO.60-9-10, GEV RADHA MADHAV APARTMENTS, FLAT NO.1411, PINNAMANENI POLY CLINIC ROAD, SIDDARTHANAGAR, VIJAYAWADA CITY, NTR DISTRICT 500010.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY PUBLIC PROSECUTOR, A.P. HIGH COURT AT AMARAVATI, THROUGH STATION HOUSE OFFICER, MACHAVARAM POLICE STATION, VIJAYAWADA CITY, KRISHNA DISTRICT,
2. VEERAMACHINENI VENKATA RANGA PRASAD, S/O LATE V.VENKATA SUBBA RAO, AGE. 69 YRS, OCC. PREMIUM LUXURY APARTMENTS BUILDER, R/O D.NO.52-1/16-3A, NTR NAGAR, GUNADALA, VIJAYAWADA, NTR 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 all further proceedings in F.I.R No.19/2023 on the file of Machavaram Police Station, Vijayawada City, NTR District, in the interest of Justice 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 pleased to dispense with the certified copy of FIR No. 19 of 2023, on the file of Machavaram Police station, Vijayawada NTR District and pass such

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 pleased to pass an interim stay of all further proceedings in F.I.R No.19/2023 on the file of Machavaram Police Station, Vijayawada City, NTR District, during the pendency of the above Criminal Petition in the interest of justice and pass

Counsel for the Petitioner/accused:

1. B V KRISHNA REDDY

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 3577/2023

ORDER:

This Criminal Petition is filed by the petitioner/Accused No.7 to quash the proceedings against him in F.I.R. No.19 of 2023 on the file of the Machavaram Police Station, Vijayawada City, for the offences punishable under Sections 448, 506 and 323 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC").

2. The case of the petitioner is that he is a practising doctor and a resident of GEV Radha Madhav Apartments, he has no connection with the alleged incident and that the dispute is essentially between the respondent No.2 and the other persons concerned with the apartment association and the builder, he has not committed any of the alleged offences and the essential ingredients of the offences are not made out against him and continuation of the criminal proceedings would amount to an abuse of the process of the Court.

3. Heard Sri B.V. Krishna Reddy, learned counsel for the petitioner, and Smt. K. Priyaka Lakshmi, learned Assistant Public Prosecutor appearing for respondent No.1-State. Respondent No.2/de facto complainant remained absent.

4. Perused the material available on record, including the contents of the report and the material referred to in the order.

5. As seen from the record, basing on the report of respondent No.2, a case in crime No.19 of 2023 was registered against the petitioner and others for the offences stated *supra* alleging that respondent No.2 is running an office in GEV Radha Madhav Apartments, there were disputes between the apartment association and the builder, and cases are pending before the Real Estate Regulatory Authority (RERA) and the competent courts, during the

pendency of those proceedings, the main accused and others obstructed him from running his office and that, on the date of the alleged incident, they trespassed into his office, remained there for some time and threatened him. In the material placed before this Court, the petitioner/Accused No.7 is named; however, no particular act, conduct or role is attributed to him. The material does not disclose the manner in which he allegedly entered or remained in the office, caused hurt, issued a threat, or shared a common intention with the other accused to commit any of the alleged offences.

6. The power under Section 482 Cr.P.C. is wide, but it has to be exercised sparingly and with great caution. At this stage, the Court is required to examine the allegations in the complaint/FIR and the material collected during investigation, taking them at their face value and accepting them in their entirety. The Court should not conduct a mini-trial or assess the credibility of witnesses. At the same time, where the uncontroverted allegations and the material collected do not disclose the essential ingredients of an offence against the accused concerned, permitting the prosecution to continue may amount to an abuse of the process of the Court. In ***State of Haryana v. Bhajan Lal***[1], the Hon'ble Supreme Court illustrated the categories of cases in which the inherent power may be exercised, including cases where the allegations, even if accepted in their entirety, do not prima facie constitute an offence or make out a case against the accused, and cases where the uncontroverted allegations and the material collected do not disclose the commission of an offence. The power is not to be exercised merely because another view of the facts is possible; the Court must be satisfied that intervention is necessary to prevent abuse of process or to secure the ends of justice.

7. Section 323 IPC provides punishment for voluntarily causing hurt. To attract this provision, the material must disclose that the accused voluntarily

[1] 1992 Supp (1) SCC 335

caused bodily pain, disease or infirmity to a person, as contemplated by Section 319 IPC. The complaint and the material placed before this Court do not attribute to the petitioner any act of causing hurt to respondent No.2 or to any other person. There is no specific allegation that the petitioner assaulted the de facto complainant or otherwise caused bodily pain, disease or infirmity. The mere inclusion of his name, without any supporting allegation or material indicating his participation in the alleged act of causing hurt, does not by itself make out an offence under Section 323 IPC against him.

8. Section 448 IPC prescribes punishment for house-trespass. For this offence, the prosecution must prima facie disclose the commission of criminal trespass, as defined under Section 441 IPC, by entering into or remaining in a building used for one of the purposes mentioned in Section 442 IPC, with the intention to commit an offence or to intimidate, insult or annoy a person in possession of the property. The complaint refers generally to the main accused and others having entered the office of respondent No.2. However, it does not state that the petitioner entered the premises, remained there unlawfully, or did so with any of the intentions contemplated by Section 441 IPC. In the absence of such material connecting the petitioner with the entry or unlawful remaining, the essential ingredients of house-trespass are not prima facie made out against him.

9. Section 506 IPC relates to punishment for criminal intimidation. The essential ingredients of criminal intimidation are set out in Section 503 IPC. There must be a threat of injury to the person, reputation or property of the person threatened, or to a person in whom that person is interested, and the threat must be made with the intention to cause alarm or to compel that person to do an act which he is not legally bound to do, or to omit an act which he is legally entitled to do. The complaint, as placed before this Court, contains a general allegation that the de facto complainant was threatened by the main accused and others. No words of threat, specific conduct or

circumstances are attributed to the petitioner to indicate that he issued any such threat with the intention contemplated by Section 503 IPC. A general and omnibus allegation, without particulars connecting the petitioner to the alleged threat and its requisite intention, does not prima facie establish criminal intimidation against him. The principle that a mere allegation of threat, without the necessary intention to cause alarm, is insufficient is recognised by the Hon'ble Supreme Court in ***Manik Taneja v. State of Karnataka***[2].

10. The offences are alleged to have been committed with the aid of Section 34 IPC. Section 34 does not create a separate offence; it embodies the principle of joint liability where a criminal act is done by several persons in furtherance of the common intention of all. It is not necessary in every case that each accused should perform a separate overt act. Equally, however, mere presence or the mere mention of a person's name is not, by itself, sufficient to fasten liability under Section 34 IPC. The material must disclose circumstances from which, at least prima facie, a common intention shared by that accused and participation in the criminal act in furtherance of that intention can be inferred. In the present case, apart from naming the petitioner as one among the accused, the complaint and the material placed before this Court do not disclose any circumstance indicating that he shared the alleged common intention or participated in the occurrence in furtherance of such intention. The absence of an individually attributed overt act is not treated as conclusive; it is the absence of any material indicating the petitioner's participation or shared common intention that assumes significance. The principles governing Section 34 IPC have been explained by the Hon'ble Supreme Court, inter alia, in ***Chhota Ahirwar v. State of Madhya Pradesh***[3].

11. It is true that the existence of a civil dispute between the parties does not, by itself, bar criminal proceedings where the allegations otherwise disclose the commission of a criminal offence. The pendency of proceedings

[2] (2015) 7 SCC 423
[3] (2020) 4 SCC 126

before RERA or a civil court cannot be a ground, by itself, to quash a prosecution. However, in the present case, the civil dispute is only part of the background. The material circumstance is that the allegations, even if taken at their face value, do not disclose the essential ingredients of the offences alleged against this petitioner, nor do they disclose a prima facie basis to invoke Section 34 IPC against him. The Court is not entering into the disputed questions relating to possession, title or the merits of the proceedings pending before the other forums.

12. Having regard to the nature of the allegations and the material placed on record, this Court is satisfied that the prosecution has not disclosed a prima facie case against the petitioner/Accused No.7 for the offences alleged. This conclusion is not based on an assessment of the truth or otherwise of the allegations, but on the absence of the necessary factual foundation connecting this petitioner with the alleged acts and the common intention. In these circumstances, requiring him to face the criminal proceedings would serve no legitimate purpose and would amount to an abuse of the process of the Court. The case, therefore, falls within the principles laid down in ***Bhajan Lal*** (supra), warranting exercise of the inherent jurisdiction.

13. ***In the result***, and for the foregoing reasons, this Criminal Petition is allowed, quashing the proceedings against the petitioner/accused No.7 alone in F.I.R.No.19 of 2023 on the file of the Machavaram Police Station, Vijayawada City for the offences punishable under Sections 448, 506 and 323 read with Section 34 IPC. It is made clear that this order is confined to the petitioner/Accused No.7 and shall not affect the proceedings against the other accused. The observations made in this order are only for the purpose of deciding the present Criminal Petition and shall not influence the investigation, trial or any other proceedings against the remaining accused, or the adjudication of the disputes pending before RERA or any competent civil court.

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

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SUNITHA GANDHAM, J.

Date: 21.11.2026
SCS

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 3577/2023

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