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APHC010302462023

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

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 4268 of 2023

Between:

1. ASODI AJAY KUMAR REDDY, S/O. ASODI VENKATESWARLU REDDY, AGED ABOUT 22 YEARS, R/O. WARD NO. 34, R/O. DARAVADIKOTAPALEM, BAPATLA TOWN AND MANDAL BAPATLA DISTRICT.
2. DEVI CHENNA REDDY,, S/O.VENKATA RAMI REDDY, AGED ABOUT 53 YEARS, R/O. KOTHAREDDY PALEM, KOTHA PANDILLAPALLI, BAPATLA DISTRICT.
3. .DEVI VENKATESWARAMMA,, W/O. DEVI CHENNA REDDY, AGED ABOUT 46 YEARS, R/O. KOTHAREDDY PALEM, KOTHA PANDILLAPALLI, BAPATLA DISTRICT.
4. VENKATA RAMANA REDDY, S/O. DEVI CHENNA REDDY, AGED ABOUT 35 YEARS, R/O. KOTHAREDDY PALEM, KOTHA PANDILLAPALLI, BAPATLA DISTRICT
5. GUMMADI YEDUKONDALU REDDY,, S/O.GUMMADI RAGHAVA REDDY, AGED ABOUT 52 YEARS, R/O. KUKKALAVARI PALEM, BAPATLA TOWN AND MANDAL, BAPATLA DISTRICT
6. GUMMIDI KUMARI,, W/O. GUMMADI YEDUKONDALU REDDY, AGED ABOUT 45 YEARS, R/O. KUKKALAVARI PALEM, BAPATLA TOWN AND MANDAL, GUNTUR DISTRICT.
7. KOMATLA KOTI REDDY,, S/O.KOMATLA SUBBA REDDY, AGED ABOUT 37 YEARS, R/O. JANDRAPET, NEAR RAILWAY STATION, CHIRALA BAPATLA DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT AT AMARAVATI.
2. MARUPROLU JAYALAKSHMI, W/O. MARUPROLU KAKKA REDDY, AGED ABOUT 68 YEARS, R/O. DARAVADIKOTHAPALEM, BAPATLA TOWN AND MANDAL, BAPATLA 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 Courtmay be pleased to quash the proceedings in C.C. No 299 / 2023 on the file of the Honourable Court of Additional Junior Civil Judge, Bapatla, in sofaragainst the Petitioners / Accused No 3 to 9 and pass such

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 may be pleased to quash the proceedings in C.C. No 299 / 2023 on the file of the Honourable Court of Additional Junior Civil Judge, Bapatla, in sofar against the Petitioners / Accused No 3 to 9 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 may be pleased to to stay of all further proceedings in C.C. No 299 / 2023 on the file of the Honourable Court of Additional Junior Civil Judge, Bapatla, including appearance of the Petitioners / Accused No 3 to 9 and pass such

Counsel for the Petitioner/accused(S):

1. V ROOPESH KUMAR REDDY

Counsel for the Respondent/complainant(S):

1. N SAI PHANINDRA KUMAR
2. PUBLIC PROSECUTOR (AP)

The Court made the following:

HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No.4268 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners/ accused Nos.3 to 9 to quash the proceedings against them in C.C. No.299 of 2023 on the file of the learned Additional Judicial Magistrate of First Class-cum-Additional Junior Civil Judge, Bapatla, for the offences punishable under Sections 447, 323 and 324 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to 'Code').

2. The case of the petitioners, in brief, is that they are innocent and have been falsely implicated in the case owing to the existing dispute between the two branches of the family in respect of agricultural land measuring Ac.0.59 cents in R.S. No.320/2. Petitioners obtained an order in their favour from the revenue authorities. It is submitted that the dispute is essentially civil in nature and that both sides have already approached the civil Court, no specific overt acts are attributed against the petitioners, ingredients of Section 324, 323 read with Section 34 of Code are not attracting against the petitioners, the specific allegations concerning the use of a sickle and an axe are directed against the principal accused and the remaining allegations are general in nature and do not disclose the individual participation of the petitioners or any material showing that they shared a common intention to commit the alleged offences. The petitioners, therefore, contend that continuation of the proceedings against them would amount to abuse of the process of Court.

3. The prosecution case, as reflected in the charge sheet, is that the respondent No.2 and her family members were cultivating the land in question and on 04.07.2021, while the respondent No.2, her husband and their younger son were attending to agricultural works, the accused entered the land with a tractor and attempted to plough it and damage the crop. Further, respondent No.2 when questioned them, an altercation took place and some of the accused beat her with hands and legs and that one of the accused used sickle and another used an axe,

caused injuries to respondent No.2 and her husband and they were taken to the Government Hospital, Bapatla, for treatment.

4. Heard Sri Rupesh Kumar Reddy, learned counsel for the petitioners, Sri N.Sai Phaneendra Kumar, learned counsel for respondent No.2 and Smt.K.Priyanka Lakshmi, learned Assistant Public Prosecutor. Perused the material placed on record, including the statements of witnesses, charge sheet and the other material available on record.

5. As seen from the record, basing on the statement of respondent No.2, a case in Crime No.124 of 2021 is registered for the offences punishable under Sections 447, 323 and 324 read with Section 34 IPC against the petitioners and two others and after completion of investigation, the investigating officer laid charge sheet of the offences stated supra, against the petitioners and two others and the same is registered as C.C. No.299 of 2023. In this regard, it is to be noted that basing on the report of one of the petitioners another crime is registered against the respondent No.2 and others and after completion of investigation, the investigating officer laid charge sheet against the respondent No.2 and others in C.C. No.300 of 2023. Thus, in respect of the same occurrence both parties have set the criminal law in to motion against each other.

6. The material further shows that the dispute between the parties is not an isolated incident. They are close relatives and have been asserting rival claims over the agricultural land measuring Ac.0.59 cents. The controversy concerns, among other things, the identity of the survey number and the possession and enjoyment of the land. The respondent No.2 relies upon the sale deed said to have been executed in favour of her husband and contends that the survey number was wrongly mentioned in the revenue records. On the other hand, the petitioners' rely upon the proceedings of the revenue authorities. Respondent No.2 filed O.S. No.175 of 2021, while Accused No.2 filed O.S. No.17 of 2021 against respondent No.2 and another and both the cases are pending.

7. The existence of a civil dispute does not, by itself, bar criminal proceedings. If the allegations, taken at their face value, disclose the ingredients of a criminal offence, the mere pendency of a civil suit or a dispute over title or possession cannot be a ground to terminate the prosecution. At the same time, the criminal process cannot be used as a means to exert pressure in a property dispute or to settle scores between rival branches of a family. The Court has, therefore, to examine whether the material collected during investigation discloses a prima facie case against these petitioners, independently of the rival claims over the land.

8. Section 447 IPC deals with criminal trespass. To attract the provision, there must be an entry into or upon property in the possession of another, or an unlawful remaining there, with one of the intentions specified in Section 441 IPC, namely, to commit an offence or to intimidate, insult or annoy a person in possession of the property. A mere dispute regarding title or a claim of ownership is not sufficient by itself. The prosecution must place material to show the requisite possession and the necessary intention. Whether the respondent No.2 was in possession and whether the entry was accompanied by the intention contemplated by Section 441 IPC are matters which must be assessed on the material available and, where disputed facts require evidence, by the trial Court.

9. Section 323 IPC punishes voluntarily causing hurt, while Section 324 IPC applies where hurt is voluntarily caused by means of an instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by one of the other means specified in that section. The medical material and the statements of the injured witnesses may provide a basis for proceeding against the persons to whom the alleged acts of causing hurt or use of the weapons are attributed.

10. Section 34 IPC does not create a separate substantive 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 that every accused

should perform an identical overt act. Nevertheless, the prosecution must disclose material from which a common intention and participation in the criminal act can reasonably be inferred. Mere relationship with the principal accused, or mere presence at the scene, without material indicating participation or sharing of the common intention, would not by itself attract Section 34 IPC.

11. The learned counsel for the petitioners relied upon the following judgments:

i) ***Geeta Mehrotra and another v. State of Uttar Pradesh and another***[1]***,*** the Hon'ble Supreme Court held that a mere casual reference to the names of family members, without specific allegations of their active involvement, would not justify subjecting them to criminal prosecution and emphasised that the proceedings should not be continued mechanically against relatives when the complaint and the material do not disclose their participation in the alleged offence.

ii) ***Kahkashan Kausar @ Sonam and others v. State of Bihar and others***[2]***,*** in this case, Hon'ble Supreme Court reiterated that general and omnibus allegations, without specific and distinct allegations attributing a role to the accused, may amount to abuse of the process of law and cautioned against implicating relatives merely on account of their relationship with the principal accused. The principle, however, is not that relatives are automatically entitled to quashing. The Court must examine the allegations and the material in each case to determine whether a prima facie case is made out against them.

iii) ***Dr. Sushil Kumar Purbey and another v. State of Bihar and others***[3]***,*** it is reiterated that criminal proceedings cannot be sustained against relatives on the basis of general and omnibus allegations when no specific role or overt act is attributed to them and the material does not disclose their involvement.

12. The learned Assistant Public Prosecutor and the learned counsel for the respondent No.2 opposed the petition contending that the complaint contains

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[1] (2012) 10 SCC 741
[2] (2022) 6 SCC 599
[3] 2026 INSC 212

specific allegations and that the statements of the witnesses recorded under Section 161 Cr.P.C. support the prosecution version.

13. There can be no dispute with the proposition that, while exercising jurisdiction under Section 482 Cr.P.C., this Court does not conduct a roving enquiry into the truthfulness of the allegations or appreciate the evidence as if it were deciding the case after trial. The power is to be exercised sparingly and only to prevent abuse of the process of any Court or otherwise to secure the ends of justice. At the same time, the mere filing of a charge sheet does not foreclose the jurisdiction of this Court. The Court is entitled to examine whether the allegations and the material collected, even if accepted at face value, disclose the essential ingredients of an offence against the persons seeking quashing.

14. On a careful reading of the complaint and the statements of the witnesses recorded under Section 161 Cr.P.C., it is evident that the petitioner Nos.1, 2, 4 to 7 are not implicated merely on account of their relationship with the principal accused. The witnesses have stated that the petitioners were present at the scene of occurrence, abused the respondent No.2 and beat her and her family members. These allegations, if taken at face value, indicate the presence and participation of the petitioners in the incident. At this stage, this Court cannot discard those statements or determine whether the witnesses are truthful. Their credibility and the exact role played by each accused are matters for appreciation during trial. So far as, the allegations against the petitioner No.3/ accused No.5, even as per the statements of witnesses, including the statement of respondent No.2, though petitioner No.3 was present at the scene of offence, she has not committed any offence. Mere presence of the petitioner No.3 is not suffice to come to conclusion that she had also participated in the crime.

15. The fact that the statements attribute the acts collectively to the petitioner No.1, 2, 4 to 7 does not, by itself, make the allegations legally insufficient. Whether the petitioners shared such intention and participated in the alleged acts has to be determined on the evidence.

16. The allegations that the petitioner Nos.1, 2, 4 to 7 abused the respondent No.2 and beat her family members, read with the statements concerning their presence and participation in the occurrence, provide some material to proceed against them at the threshold. Whether the acts of the petitioners, together with the acts attributed to the other accused, were committed in furtherance of a common intention is a matter to be tested during trial. The allegations concerning the use of a sickle and an axe are specifically attributed to the accused Nos.1 and 2. The applicability of Section 324 read with Section 34 IPC to the petitioners will depend upon whether the prosecution establishes the requisite common intention and participation; this Court cannot finally determine that evidentiary question in a petition under Section 482 Cr.P.C.

17. The dispute regarding the identity, title, possession and enjoyment of the land measuring Ac.0.59 cents in R.S. No.320/2 is also the subject matter of O.S. No.175 of 2021 and O.S. No.17 of 2021. The rival claims concerning the survey number and the orders passed by the revenue authorities will have to be considered by the competent civil and revenue forums. However, the pendency of those proceedings does not confer immunity from criminal prosecution if the allegations also disclose criminal acts such as trespass and voluntarily causing hurt. The criminal Court will have to determine the ingredients of the offences on the evidence placed before it, without deciding questions of civil title beyond what is necessary for the criminal case. In this regard, it is to be noted that in ***Pratibha Rani v. Suraj Kumar and Others***[4]***,*** it was observed as follows:

> "23.There are a large number of cases where criminal law and civil law can run side by side. The two remedies are not mutually exclusive but are clearly coextensive and essentially differ in their content and consequence. The object of criminal law is to punish an offender who commits an offence against a person or the property of the State, for which the accused, upon proof of the offence, is deprived of his liberty and, in some cases, even his life. This does not, however, affect the civil remedies available for suing the wrongdoer in cases like arson, accidents, etc. It is anathema to suppose that, when a civil remedy is available, a criminal prosecution is completely barred. The two types of actions are quite different in content, scope and import."

[4] MANU/SC/0090/1985

18. The jurisdiction under Section 482 Cr.P.C. is to be exercised sparingly to prevent abuse of the process of Court or to secure the ends of justice. The Court is not expected to conduct a mini-trial or to determine the truthfulness of the statements at this stage. If the allegations in the complaint and the material collected during investigation are taken at face value, they disclose a prima facie basis to proceed against the petitioner Nos.1, 2, 4 to 7, at least in respect of the alleged acts of abusing and beating, read with Section 34 IPC. The defence of the petitioner Nos.1, 2, 4 to 7, the effect of the pending civil suits, the rival version in the counter-case and the precise role of each accused are matters which can be examined by the trial Court after evidence is adduced. This Court does not find it appropriate to quash the proceedings against the petitioners in exercise of its inherent jurisdiction.

19. **In the result**, this Criminal Petition is allowed in part, quashing the proceedings against the petitioner No.3/ accused No.5 alone in C.C. No.299 of 2023 on the file of the learned Additional Junior Civil Judge, Bapatla, for the offences punishable under Sections 447, 323 and 324 read with Section 34 of the Code, and dismissed this criminal petition in respect of petitioner Nos.1, 2, 4 to 7/ accused Nos.3, 4, 6 to 9. It is made clear that the observations made in this order are confined to the consideration of the present petition and shall not be construed as findings on the merits of the prosecution case. The trial Court shall decide the case independently, on the basis of the evidence adduced before it, without being influenced by any observation made herein. The trial Court shall also consider the counter-case independently, in accordance with law.

SUNITHA GANDHAM, J

Date: 04.11.2026
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THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 4268 of 2023

04.11.2026

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