APHC010470742023

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

WEDNESDAY, THE 14th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 7085/2023

Between:

1. SHAIK GHOUSE BASHA, , S/O GHOUSE PEER, AGED ABOUT 52 YEARS OCC BUSINESS, R/O D.NO.7/705-1, MOCHAMPETA, KADAPA CITY, YSR DISTRICT.
2. SHAIK AZAM BASHA, S/O GHOUSE BASHA AGED ABOUT 19 YEARS, OCC STUDENT D.NO7/705-2, MOCHAMPETA, KADAPA CITY, YSR DISTRICT.
3. SHAIK IQBAL @ KADHER BASHA, S/O GHOUSE PEER AGED ABOUT 58 YEARS, OCC CHAIRMAN, TAYUB POLYTECHNIC COLLEGE D.NO7/705-2, MOCHAMPETA, KADAPA CITY, YSR DISTRICT
4. SHAIK CHANU @ RAZAK BASHA, , S/O GHOUSE PEER AGED ABOUT 48 YEARS, OCC PROPRIETOR GOLDEN LODGE D.NO 7/705-3, MOCHAMPETA, KADAPA CITY, YSR DISTRICT.
5. SHAIK NAZEER BASHA ,, S/O GHOUSE PEER AGED ABOUT 51 YEARS, OCC SCHOOL GRADE TEACHER D.NO 7/706-2, CHILAKALABAVI, KADAPA TOWN YSR DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP., BY ITS PUBLIC PROSECUTOR, HIGH COURT BUILDINGS, AMARAVATHI.
2. UKKAYAPALLI SHAIK MAHAMMAD JAMEEL, , S/O LATE RANGA REDDY AGED ABOUT 40 YEARS, OCC BUSINESS R/O.D.NO.7/86,

CHILAKALABAVI, KADAPA CITY, YSR 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 call for the records in C.C.No.1005 of 2022 on the file of the Court of the I Addl. Judicial First-Class Magistrate, Kadapa, YSR District and quash the same 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 stay all further proceedings in to stay all further proceedings including the appearance of the Petitioners including their appearance in C.C.No.1005 of 202/ on the file of the Court of the I Addl. Judicial First-Class Magistrate, Kadapa, YSR District and pass

Counsel for the Petitioner/accused(S):

1. V R REDDY KOVVURI

Counsel for the Respondent/complainant(S):

1. KALEEMULLA S
2. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 7085/2023

ORDER:

This Criminal Petition is filed by the petitioners/Accused Nos.1 to 5 under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking to quash the proceedings in C.C. No.1005 of 2022 on the file of the Court of the I Additional Judicial First Class Magistrate, Kadapa, for the offences punishable under Sections 323, 324 and 506 read with Section 34 of the Indian Penal Code, 1860 (IPC).

2. The case of the petitioners, in brief, is that Respondent No.2 is the owner of the shop bearing Door No.10/1049, situated beside the petrol bunk, and that the premises were leased to Accused No.1 for running a hotel and restaurant. According to the petitioners, there was an oral understanding under which Accused No.1 agreed to vacate the premises whenever Respondent No.2 demanded possession. When Respondent No.2 called upon him to vacate the premises, Accused No.1 sought time to do so. The petitioners contend that, with a view to pressurise them in connection with the dispute over the premises, Respondent No.2 lodged a false report alleging that the petitioners had threatened her. They submit that the allegations are false, that the material does not disclose the commission of the alleged offences and that continuation of the proceedings would amount to an abuse of the process of law. Reliance is also placed on the principles stated by the Hon’ble Supreme Court in the decision cited by learned counsel for the petitioners.

3. Heard Sri V.R. Reddy Kovvuri, learned counsel for the petitioners, Sri Pavan Kumar, learned counsel for respondent No.2, and Smt. K. Priyanka Lakshmi, learned Assistant Public Prosecutor for the State.

4. Perused the petition, the complaint, the material collected during investigation and the judgment relied upon by learned counsel.

5. Learned counsel for the petitioners submitted that there is no material to show that the petitioners threatened respondent No.2 in connection with the demand to vacate the premises. According to him, the allegations against the petitioners are general and omnibus in nature and are not supported by any reliable material. Further, the dispute essentially arises out of the landlord-tenant relationship and that the criminal proceedings have been initiated with an ulterior motive.

6. Per contra, learned counsel for respondent No.2 opposed the petition and submitted that the contentions raised by the petitioners involve disputed questions of fact which ought to be considered by the trial Court after the evidence is adduced. It was contended that the material collected during investigation discloses a prima facie case against the petitioners.

7. The record shows that, on the basis of the report of the respondent No.2, a case in Crime No.58 of 2021 was registered for the offences punishable under Sections 323, 324 and 506 read with Section 34 IPC. Upon completion of the investigation, the Investigating Officer filed charge sheet for the said offences. The statements recorded during investigation, including the statements of witnesses, form part of the material relied upon by the prosecution. At this stage, this Court is not required to determine whether those statements are ultimately credible or sufficient to secure a conviction; that assessment falls within the domain of the trial Court. The question is whether the allegations and the material collected, taken at face value, disclose the alleged offences and justify continuation of the prosecution. The fact that the parties are involved in a dispute concerning the premises leased to accused No.1 does not, by itself, exclude the possibility of criminal conduct. A civil dispute and criminal proceedings may coexist where the allegations independently disclose the ingredients of a criminal offence. The petitioners'

contention that the complaint was lodged only to exert pressure in the dispute over possession, and their challenge to the credibility of the witnesses, raise factual issues which cannot be conclusively determined in this petition.

8. The jurisdiction under Section 482 Cr.P.C. is extraordinary and is to be exercised sparingly, with circumspection, and only to prevent abuse of the process of any Court or otherwise to secure the ends of justice. Ordinarily, the Court examines the allegations in the complaint and the material collected during investigation to determine whether a case for quashing is made out. It does not undertake a mini-trial or assess the probative value of the evidence at this stage. At the same time, where the allegations, even if accepted in their entirety, do not constitute an offence, or where the proceedings are otherwise manifestly abusive, interference is warranted.

9. Learned counsel for the petitioners relied upon the judgment in ***Mahmood Ali & Others v. State of U.P & Others***[1], wherein, it is held that when the criminal proceedings are alleged to be frivolous, vexatious or instituted with an ulterior motive to wreak vengeance, the High Court, while exercising its inherent jurisdiction under Section 482 Cr.P.C., must examine the FIR with care and scrutinise the attending circumstances, and, if necessary, read between the lines to ascertain whether the proceedings amount to an abuse of the process of law. The principles governing the exercise of inherent jurisdiction were explained by the Hon'ble Supreme Court in ***State of Haryana and Others v. Bhajan Lal and Others***[1]. The recognised categories include cases in which the allegations, taken at face value, do not constitute an offence; the uncontroverted allegations and the material collected do not disclose the commission of an offence; the allegations are so inherently improbable that no prudent person could reach a conclusion that there is sufficient ground to proceed; an express legal bar operates against the institution or continuance of the proceedings; or the proceedings are

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manifestly attended with mala fides and instituted maliciously for an ulterior purpose. These categories are illustrative and do not confer an unrestricted power to terminate a prosecution whenever the accused disputes the prosecution version.

10. Applying the above principles to the material placed on record, this Court is not persuaded that the present case falls within any category warranting quashing of the proceedings. The prosecution relies on the complaint and the statements collected during investigation in support of the allegations. Whether the witnesses are trustworthy, whether the petitioners shared a common intention and whether the ingredients of the offences are ultimately established are matters for consideration by the trial Court on the basis of the evidence. The existence of a dispute regarding possession of the premises does not, without more, establish that the criminal complaint is false or that the prosecution is an abuse of process. No sufficient ground is made out at this stage to hold that the proceedings are liable to be quashed. The petitioners are at liberty to raise all permissible defences before the trial Court, which shall decide the case independently on the evidence and in accordance with law.

11. Learned counsel for the petitioners further submitted that Petitioner No.2 is a student, Petitioner No.3 is a senior citizen, Petitioner No.4 is a private employee and Petitioner No.5 is a schoolteacher. By the interim order dated 19.09.2023, their personal appearance before the trial Court was dispensed with, except on dates when their presence is considered necessary by the learned Magistrate. Learned counsel requested that the said protection be continued.

12. Having regard to the circumstances stated and the nature of the proceedings, the interim direction dispensing with the personal appearance of accused Nos.2 to 5 can be continued, subject to their appearing before the trial Court whenever their presence is specifically required for a purpose

recognised by law. They shall remain represented by counsel on all other dates and shall comply with any lawful direction issued by the trial Court.

13. **In the result**, the Criminal Petition is dismissed, however, the personal appearance of the petitioners/Accused Nos.2 to 5 before the learned Magistrate is dispensed with, subject to the condition that they shall appear whenever their presence is specifically required by the learned Magistrate for the progress of the proceedings or for any purpose for which their personal attendance is required by law. On all other dates, they shall be represented by their counsel, as permissible in law. The trial Court shall proceed with the case independently, uninfluenced by any observations made herein, which are confined to the disposal of this petition.

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

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SUNITHA GANDHAM,J

Date: 14.10.2026
SSA/vns

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THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 7085/2023

Date: 14.10.2026
SSA