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APHC010517842023

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: 7933/2023

Between:

1. VADDE RAGHUPATHI, S/O. RAMACHANDRA, AGED ABOUT 45 YEARS, OCC. MASON WORK, RESIDING AT AYYAVARIPALLI VILLAGE, RAPTHADU MANDAL, ANANTHAPURAMU DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY SUB-INSPECTOR OF POLICE, RAPTADU POLICE STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AT AMARAVATHI. RESPONDENT
2. B SHIVA SHANKAR REDDY, S/O. B. NARSINMHA REDDY, AGED 63 YEARS, OCC. AGRICULTURE, RESIDING'AT D.NO. 13-3-83, SREENIVAS NAGAR, ANANTAPURAMU TOWN, ANANTAPURAMU 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 quash the proceedings in C.C.No.689 of 2023 on the file of the SPL Judicial Magistrate of First Class (Mobile --Court) Anantapuramu so for as petitioners are concerned and to 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 stay all further proceedings in C.C. No. 689 of 2023 (relating to the Crime No. 147 of 2023) on the file of the SPL Judicial Magistrate of First Class (Mobile Court) Anantapuramu, so for as petitioners are concerned, pending disposal of the above Criminal Petition and to pass

Counsel for the Petitioner/accused:

1. SESHADRI GOALLA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)
2. N ASWARTHA NARAYANA

The Court made the following:

HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No:7933 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner to quash the proceedings in C.C. No.689 of 2023 on the file of Special Judicial Magistrate of First Class (Mobile Court), Ananthapuram of the offences under Sections 341, 447, 506 read with Section 34 IPC.

2.**Case of the petitioner is thus:**

(a) Without proper investigation, the investigating officer registered a case in crime No.147 of 2023. They have not committed any offence. Petitioner No.1 and others constructed houses in survey No.425 and part of survey No.420 at Ayyavaripalli Village at Rapatadu Mandal. Petitioner No.3 is also one of the successor of survey No.420 of Ayyavaripally Village. The Government has issued house site pattas in their favour and also executed registered sale deed in favour of the petitioners. Since several decades petitioner No.1 and others are in possession and enjoyment of the house sties. The proceedings issued by the Tahsildar in R.C. No.B/103/2023, dated 29.03.2023. The Tahsildar has no authority to issue proceedings. In the said proceedings, it is also mentioned that police protection would be provided to the persons concerned. Feeling aggrieved by the said proceedings, petitioner No.3 and others filed Writ Petitioner No.12449 of 2023 before the High Court and this Court granted stay of all further proceedings against the proceedings issued by Tahsildar. Thereafter, respondent No.2 had submitted a representation dated 22.05.2023 to the Tahsildar and requested him to instruct the SHO not to interfere with the possession and enjoyment of the petitioner. Having knowledge about the proceedings, the respondent No.2 gave report with false averments, at the instance of local politicians and tried to demolish the house. Absolutely, there is no material to

proceed further and continuation of proceedings is nothing but abuse of process of law.

3. Heard learned counsel for the petitioners and respondent No.2 as well as learned assistant public prosecutor. Perused the petition and material available on record.

4. Learned counsel for the petitioners filed document showing they are in possession and enjoyment over the subject land.

5, Learned counsel for the petitioners would initially argued that since from the inception they have been enjoying the land situated in survey No.425/1 and 420-2 of Rapthadu Village and part of survey No.420 of Ayyavaripalli Village and to that effect pattas also have been issued and the Government had registered the sale deed dated 18.12.2021 and they have right in the subject land situated in survey No.420-2, respondent No.2 gave report with false evidence so as to grab the property. On the other hand learned counsel for respondent No.2 argued that the documents relied upon by the petitioner is that survey No.425 is mentioned whereas coming to the present case at hand, the subject land is situated in survey No.420/1 and 420/2 and all the contentions raised by the learned counsel for the petitioner in this petition shall not be considered to quash the proceedings against them.

6. As seen from the record, basing on the report of respondent No.2 a case in crime No.147 of 2023 is registered of the offence under Section 341, 447, 506 read with Section 34 IPC and after completion of investigation, the investigating officer laid charge sheet of the offences supra against the petitioners.

7. Record further reveals that Tahsildar, Rapthadu had issued proceedings in R.C. No.B/103/2023 dated 29.03.2023 directing the petitioners to vacate the land situated in survey No.420/2 and proceedings further reveals that by that time, these petitioners are constructed pucca houses and feeling aggrieved by the said proceedings, petitioner No.3 and others filed W.P.

No.12449 of 2023 and in which stay of all further proceedings, against the proceedings issued by the Tasildar, granted vide order dated 10.05.2023.

8. Learned counsel for the petitioners, subsequently also at the instance of local politicians, respondent No.2 gave complaint to the police and the same is registered as crime No.147 of 2023 of the offences under Sections 341, 447, 506 read with Section 34 IPC.

9. As rightly argued by the learned counsel for respondent No.2, documents filed by the petitioner showing survey No.425 but not survey No.420, however, in the writ petition also the petitioners have categorically challenged the proceedings issued by the Tahsildar which are referred in survey No.420/2, Rapthadu Mandal. Record clearly reveals that there are serious civil disputes among both the parties and that pucca houses are already constructed by the petitioners in the subject land and the land situated in survey No.420/2 of Rapthadu Village and also not in dispute that neither of the party approached any civil Court which is having jurisdiction to decide the rights and title of the parties and without deciding their title and right over the disputed land, petitioners as well as respondent No.2 have been agitating their rights basing on the revenue records said to have been issued in their favour.

10. Be that as it may, as seen from the report, it is simply mentioned that respondent No.2 and others have shared the land situated in survey No.420/1 and 2 of Rapthadu Mandal, when they got surveyed the land, they came to know that some of the persons engaged their sites and constructed pucca houses and made constructions and caused obstructions to enter into their lands and requested to take action against the petitioner except that nothing is mentioned. Record does not reveal the right or title of either the petitioners or respondent No.2 as seen from the statement of LW.1 and 2 also, absolutely there is no material showing prima facie case against the petitioners that they have committed cognizable offence.

11. The inherent jurisdiction under Section 482 Cr.P.C. is extraordinary and must be exercised sparingly and with due circumspection. However, where the allegations in the FIR, charge sheet and accompanying material, even if accepted at face value and in their entirety, do not constitute the offences alleged, or where continuation of the proceedings is barred by law, this Court may exercise its inherent jurisdiction to prevent abuse of the process of the Court and to secure the ends of justice.

12. In ***State of Haryana v. Bhajan Lal***[1], the Hon'ble Supreme Court illustrated categories of cases in which the inherent jurisdiction of the High Court may appropriately be exercised. These include cases where the allegations, even if taken at face value and accepted in their entirety, do not prima facie constitute an offence or make out a case against the accused. The principles laid down therein are intended to prevent the criminal process from being continued where the foundational legal requirements are absent. The principles governing the exercise of such power were summarised by the Hon'ble Supreme Court in. Bhajan Lal (supra). The relevant categories 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;
>
> (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable 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,

[1] 1992 Supp (1) scc 335

> and no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;
>
> (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 aggrieved party; and
>
> (7) Where a criminal proceeding is manifestly attended with mala fides or is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to a private and personal grudge."

13. In the present case, the material does not disclose sufficient particulars to make out the offences under Sections 143 and 341 IPC against the petitioner. Further, the prosecution for the offence under Section 188 IPC is subject to the mandatory statutory bar under Section 195(1)(a) Cr.P.C., and the record does not disclose compliance with that requirement. These are substantive defects affecting the maintainability of the proceedings for the offences concerned. Therefore, the objections raised by the petitioner have merit.

14. In view of the foregoing discussion, continuation of the criminal proceedings against the petitioner/Accused No.1, on the basis of the material presently available, would amount to an abuse of the process of the Court. The case falls within the principles laid down by the Hon'ble Supreme Court in Bhajan Lal (supra), warranting exercise of the inherent jurisdiction of this Court.

15. In the result, this Criminal Petition is allowed by quashing the proceedings in C.C. No.689 of 2023 on the file of Special Judicial Magistrate

of First Class (Mobile Court), Ananthapuram of the offences under Sections 341, 447, 506 read with Section 34 IPC.

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

SUNITHA GANDHAM, J

Date:30.10.2026
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