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APHC010536362023

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: 8267/2023

Between:

1. VENNAPUSA MYTHRI, D/O MALLESWARA REDDY, AGED ABOUT 26 YEARS, R/O H.NO. 76/230-32/1, RAMA RAJUPALLI OF KADAPA MANDAL, YSR KADAPA DISTRICT.
2. VENNAPUSA YASWANTH, , S/O MALLESWARA REDDY, AGED ABOUT 29 YEARS, R/O H.NO. 76/230-32/1, RAMA RAJUPALLI OF KADAPA MANDAL, YSR KADAPA DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, , REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AMRAVATI, GUNTUR DISTRICT.
2. GUMMANA SAI KUSHALA, D/O LATE RAMESH REDDY, AGED ABOUT 25 YEARS, R/O D.NO. 4/724, GUNTA BAZAR, KADAPA CITY, YSR KADAPA DISTRICT - 516001

...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 be pleased to quash the entire proceedings in CC No 1557 of 2023 on the file of the court of the/ Hon'ble 1st Additional Judicial

Magistrate of lst Class, Kadapa, YSR Kadapa Distric being in abuse of process of law and Court 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 to Dispense with the filing of the --- certified copy of in CC No 1557 of 2023 on the file-- of court of the Hon'ble 1St Additional Judicial Magistrate of Pt Class, Kadapa, YSR Kadapa District. and pass

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 to stay all further proceedings in CC No 1557 of 2023 on the file of court of the Hon'ble 1' Additional Judicial Magistrate of 1St Class, Kadapa, YSR Kadapa District, and pass

Counsel for the Petitioner/accused(S):

1. SIVAPRASAD REDDY VENATI

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)
2. RADHA KRISHNA LANKISETTI

The Court made the following:

HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No.8267 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners/ accused Nos.3 and 4 to quash the proceedings against them in C.C. No.1557 of 2023 on the file of the learned I Additional Judicial Magistrate of First Class, Kadapa, for the offences under Sections 120-B, 420, 506, 509 and 354 read with Section 34 of the Indian Penal Code (hereinafter referred to as 'Code') .

2. The case of the petitioners is that the dispute arose after the death of late G. Ramesh Reddy, an advocate and father of LW-1, in the context of cash, jewellery, gold biscuits and documents allegedly kept in his house. As per the version of the petitioners, the dispute is essentially between close relatives concerning property and has been given a criminal colour. They further contend that the charge-sheet narrative concerning the CCTV footage attributes the entry into the house and removal of valuables principally to other accused, and that mere presence or association with family members cannot establish criminal liability. Further, as per the contents of the statements recorded under Section 161 Cr.P.C., no clear, individual role has been attributed to them and they have been implicated only because they are the daughter and son of A-1 and A-2, and that the allegations against them are vague and do not disclose any specific act constituting the alleged offences.

3. The prosecution case, in brief, is that the respondent No.2 is the only daughter of late G. Ramesh Reddy, who died on 04.11.2022, her parents had been living separately, during her visits, her father showed her cash, gold biscuits, jewellery, diamonds and documents which are kept in iron safes and told her that he intend to give some property to her, a dispute arose regarding access to the house and the keys to the rooms and safes. Further, all the

accused who are family members of the deceased entered into the house and taken away the cash, jewellery and documents.

4. Heard Sri Sivaprasad Reddy Venati, learned counsel for the petitioners and Sri L.Radhakrisha, learned counsel for respondent No.2 as well as Ms.K.Lakshmi Priyanka, learned Assistant Public Prosecutor. Perused the material available on record.

5. The learned counsel for the petitioners submit that the petitioners are son and daughter of accused Nos.1 and 2, the allegations against them are general and omnibus, neither the charge-sheet nor the CCTV footage show the petitioners removing any property or committing any specific criminal act, the prosecution has not identified any particular act by either of the petitioner that would satisfy the ingredients of the alleged offences and that continuation of the proceedings would amount to an abuse of process.

6. The learned Assistant Public Prosecutor opposes the petition and submits that the charge sheet and the statements collected during investigation disclose a prima facie case, the removal of valuables from the deceased's house and that the role of each accused, including the petitioners, must be assessed during trial, the inherent power of the Court is limited and should not be exercised to evaluate disputed facts or the credibility of witnesses at this stage.

7. In view of the rival submissions, the point for consideration is:

Whether the material collected during investigation, disclose a prima facie case against the petitioners/A-3 and A-4, or whether the proceedings against them are liable to be quashed under Section 482 Cr.P.C.?

8. As seen from the record, basing on the report of respondent No.2, a case in Crime No.488 of 2022 is registered for the offences stated supra and after completion of investigation, the investigating officer laid charge sheet in C.C. No.1557 of 2023. The petitioners are son and daughter of the accused Nos.1

and 2 and all the accused including the petitioners are close relatives of the respondent No.2, and there are no cordial terms among them. Main allegations are that on the date of death of respondent No.2's father, accused Nos.1, 2 and 6 and others entered into the house, taken away important documents, gold jewellery and abused respondent No.2. As seen from the material, the allegations concerning the entry into the house and the removal of valuables principally refer to A-1, A-2 and A-6.

9. Record especially report and statement of respondent No.2 refer to the family dispute, the keys to the house and safes, and the alleged movement of family members in and out of the house. The statement does not clearly attribute any specific allegations against the petitioners that fulfils the ingredients of the alleged offences. So far as presence of the petitioners at the house or accompanying relatives is concerned, such presence or association, without further specific conduct connecting them to the alleged removal of property or to the other charged offences, is not suffice to come to conclusion that the petitioners also participated in the crime. Added to it, due to death of close relative, their presence at the house of father of respondent No.2 cannot be ruled out.

10. Further, mere presence in CCTV footage is not, by itself, proof of theft, misappropriation, conspiracy, criminal intimidation, or an offence involving assault or criminal force. CCTV footage may be relevant when considered with evidence of the individual's conduct, but the charge-sheet description must still disclose a link between the person concerned and the alleged criminal act. This Court is conscious that the footage and the statements will ultimately be assessed in accordance with law. As per the material, no specific act is attributed to the petitioners.

11. The fact that the petitioners are the daughter and son of A-1 and A-2, and that the parties are close relatives, does not by itself establish guilt. Equally,

relationship alone would not be a ground to quash proceedings if the record disclosed a specific role. Report and statements of witnesses appear to rely on the petitioners' relationship or association with the other accused, without identifying the individual acts necessary to make out the alleged offences against them.

12. This Court is also mindful that the existence of a civil or family property dispute does not automatically bar criminal proceedings. If the ingredients of a criminal offence are independently disclosed, the prosecution may proceed notwithstanding a parallel dispute over property. In the present case, the background of the family dispute assumes relevance because the allegations against these petitioners are general and the material placed before the Court does not sufficiently connect either of the petitioners with the alleged removal of valuables or with the other alleged offences. This Court is not recording any finding on ownership of the disputed property, the truthfulness of respondent No.2, or the guilt or innocence of the remaining accused. The conclusion is confined to the legal sufficiency of the allegations against petitioners/ Accused Nos.3 and 4.

13. In this regard, it is to be noted that it is well settled that for the purpose of exercising power under Section 482 Code of Criminal Procedure, to quash FIR or a complaint, the High Court would have to proceed entirely on the basis of the allegations made in the complaint or the documents accompanying the same *per se* and it has no jurisdiction to examine the correctness or otherwise of the allegations. It is also well settled that if the allegations made in the FIR, taken on the face value and accepted in their entirety, do not constitute an offense, the criminal proceedings instituted on the basis of such FIR should be quashed. Further, the power of quashing the criminal proceedings should be exercised very sparingly and with circumspection and that too, in the rarest of rare cases and that the court will not be justified in embarking upon an inquiry as to the

reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice.

14. The principles laid down in **State of Haryana Vs *Bhajan Lal*[1]** also indicate the recognized categories in which the inherent power may be exercised, including cases where the allegations, even if taken at their face value, do not constitute an offence, where the uncontroverted allegations and material collected do not disclose the commission of an offence, or where continuation of the proceedings would otherwise result in abuse of the process of Court. However, the power is not intended to conduct a meticulous appreciation of the evidence or to determine the truthfulness of disputed factual assertions at the stage of considering a petition for quashing.

15. Having regard to the totality of the circumstances and the material placed before this Court, this Court is of the considered view that absolutely, the allegations and the material collected during investigation do not disclose a prima facie case requiring adjudication by the Trial Court. Further, except vague allegations that both the petitioners/ accused Nos.3 and 4 were at the scene of offence, there is no specific material against the petitioners/ accused Nos.3 and 4 to attract the ingredients of the offences against them and continuation of the proceedings against the petitioners is nothing but abuse of process of law.

16. **In the result,** and for the foregoing reasons, this Criminal Petition is allowed, quashing the proceedings against the petitioners/A-3 and A-4 in C.C. No.1557 of 2023 on the file of the learned I Additional Judicial Magistrate of First Class, Kadapa, for the offences under Sections 120-B, 420, 506, 509 and 354 read with Section 34 of the Indian Penal Code. The proceedings against the other accused shall continue in accordance with law. The observations made in

[1] 1992 Supp (1) SCC 335

this order are confined to the present petition and shall not influence the trial against the remaining accused.

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

SUNITHA GANDHAM, J

Date: 04.11.2026
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