

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 658 OF 2021

Between:

1. Karupothula Sathaiah, S/o. Venkataiah, aged 49 years,
Occ: Business R/o. H no. 17-11-26432, Subhash Nagar,
Ursu, Warangal
2. Siddaboina Pushpasena, S/o. Kommaiah, aged 60 years,
Occ: Business, R/o. H No. 16-6-224, Eangasaipet, Warangal
3. Elegeti Komuraiah, S/o. Rama Kistam, aged 93 years,
Occ: agriculture R/o. H No. 30, Mamnoor, Warangal
4. Urugonda Koti Lingam, S/o. Late Komuraiah, aged 58 years,
Occ: Business, R/o. H No. 5-256 Thimmapuram Village of Khila
Warangal District
5. Avunoori Sudhakar, S/o. Veeraswamy, aged 41 years,
Occ: Business, R/o. 1711-255, Kummariwada, Ursu Subhashnagar,
Warangal
6. Poshala Swamy, S/o. Balaraju, aged 50 years, Occ: Political leader
(Business), R/o. Nagamayyatemple Shambuipet, Warangal
7. Peddapally Bikshapathi, S/o. Chandraiah, aged 45 years,
Occ: Business, R/o. H No. 17-1-338 Near Petrol Pump, Khammam
Road, Rangasaipet, Warangal
8. Gai Sadanandam, S/o. Uppalaiah, aged 37 years,
Occ: Agriculture, R/o. H No. 19-11-402/2, Vishwanatha Colony-2
Warangal
9. Pasunoori Chandramouli, S/o. Veeraiah, aged 45 years,
Occ: Real Estate Broker, R/o. H no. 19-10-182/1 Rangasaipet,
Warangal
10. Kore Gouraiah, S/o. Guttumallu or Mallalah, aged 53 years,
Occ: agriculture, R/o. Gajulagattu Village Guduru Mandal, Warangal
District

...PETITIONERS/ACCUSED Nos.1 to 4, 6 to 11

AND

1. The State of Telanana, And Another, Rep. by Public Prosecutor High Court at Hyderabad for the State of Telangana
2. Dakshapu Anjalah, S/o. Venkataiah, aged 56 years, Occ: Singareni Employee in Mancherial R/o. Rangasaipet, Warangal

...RESPONDENTS/COMPLAINANTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to QUASH the proceedings C.C.No.4046/2020 on the file of the Principal Junior Civil Judge-cum-Judicial Magistrate of I Class, Warangal against the Petitioners/Accused Nos.1 to 4 and 6 to 11 and to pass.

I.A. No. 2 of 2021

Petition under Section 482 of Cr.P.C 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.4046/2020 on the file of the Principal Junior Civil Judge-cum-Judicial Magistrate of I Class, Warangal including the appearance of the Petitioners/Accused Nos.1 to 4 and 6 to 11, pending disposal of the above criminal petition and pass.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Ajay Kumar Madisetty, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor (TG) on behalf of the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.658 of 2021

DATE OF ORDER:-27.01.2026

Between:

Karupothula Sathaiah & 9 others.

... Petitioners/Accused Nos.1 to 4, 6 to 11

AND

The State of Telangana
rep. by its Public Prosecutor & another.

... Respondents

ORDER

1. This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 seeking to quash the proceedings against the petitioners/accused Nos.1 to 4, 6 to 11 in C.C.No.4046 of 2020, on the file of the learned Principal Junior Civil Judge –cum- Judicial Magistrate of First Class, Warangal, registered for the offence punishable under Section 420 read with 34 of IPC and Section 156(3) of Cr.P.C.

2. Heard Sri Ajaj Kumar Madisetty, learned counsel for the petitioners/accused Nos.1 to 4, 6 to 11 as well as Sri Jitender Rao Veeramalla, the learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. Learned petitioners' counsel submitted that the matter is purely civil in nature and that the complaint is filed with an abnormal delay of 6 years. The alleged cause of action arose on 2013 while the complaint has been filed in 2019. The said abnormal delay is not explained and hence the complaint cannot be entertained. He further submitted that the *de facto* complainant has approached the Court concerned with a private complaint directly by violating the principles laid down in ***Priyanka Srivastava & another Vs. State of U.P. & Ors.***¹ case. He further submitted that the subject land is not a Government land and that the petitioners never encroached any Government lands nor sold them to third parties. Thus, there is no truth in the allegations and that when the proceedings themselves are contrary to law laid down by the Supreme Court, continuation of proceedings against them would be abuse of process of law. Hence, prayed to quash the proceedings against the petitioners.

4. The learned Additional Public Prosecutor has submitted that the survey report itself discloses that the subject land is Government Shikam land and it is alleged that the petitioners have involved in making the Government land into plots and selling away the same to third parties and that the matter needs to be adjudicated. He further submitted that the private complaint is very well supported by the

¹ 2015 (6) SCC 287

affidavit of defacto complainant affirming that the contents therein are true and thus, it is very much in tune with the principle laid down in *Priyanka Srivastava's* case (cited supra) and hence prayed to dismiss the petition.

5. Perused the record. The first contention raised by the learned petitioners' counsel is that lodging of a private complaint before the Court is against the principles laid down by the Hon'ble Apex Court in *Priyanka Srivastava's* case and that the defacto complaint ought not to have lodged the complaint directly into the Court and that he must have approached the Police authorities in the first instance. The principle laid down by the Apex Court in *Priyanka Srivastava's* case necessitates filing of an affidavit by the complainant affirming the averments to be true and the same has to be filed along with the complaint. In the present case, the complaint is supported by an affidavit. The investigation has been completed by examining certain witnesses and the statements of these witnesses do point out specific allegations against the petitioners herein. The list of witnesses annexed to the charge sheet discloses that LW10 is the Tahsildar who furnished the survey report along with the map, the survey being conducted on 18.12.2019 with regard to the Government land in Sy.Nos.321/2 and 322/2 situated at Thimmapur Village. LWs 1 to 6 are the alleged victims and LWs 7 & 8 are the

panch witnesses for CDF. Thus, the evidence of all these witnesses need to be tested during the course of trial. Further, the survey report has to be analyzed which would be possible only after a full-fledged trial. Hence, it is deemed appropriate to dispose of the Criminal Petition by dispensing with the attendance of the petitioners before the Trial Court.

6. Hence, the Criminal Petition is disposed of dispensing with the presence of the petitioners/accused Nos.1 to 4, 6 to 11 before the Trial Court provided that the petitioners are represented through an Advocate on every date of hearing and that they shall be present before the Trial Court whenever their presence is specifically required during the course of trial. Since the present CC pertains to 2020, in view of the Circular instructions issued by the High Court time and again reiterating and emphasizing to prioritize disposal of matters pending for more than 5 years, the Trial Court is directed to dispose of the matter at the earliest strictly in accordance with law without being influenced by any of the observations made by this Court in this order.

7. Miscellaneous petitions pending, if any, shall stand closed.

SD/- S. MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Junior Civil Judge-cum- Judicial Magistrate of I Class,
Warangal.

2. The Station House Officer, Mamnoor Police Station, Warangal City, Warangal District.
3. One CC to Sri Ajay Kumar Madisetty, Advocate [OPUC]
4. Two CC to Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
5. Two CD Copies

STB/PSL

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HIGH COURT

DATED: 27/01/2026

ORDER

CRLP.No.658 of 2021



**DISPOSING OF THE
CRIMINAL PETITION**

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