

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

**THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 2246 OF 2026

Between:

Sogala Kumar, S/o Mallaiah Age: 57 Years, Occ: Business, R/o H.No. 7-1-270,
GM Colony, Godhavarikhani, Peddapalli Dist.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, through PS Pegadapalli, Jagtyal Dist., Rep by its Public Prosecutor, High Court for the State of Telangana At Hyderabad.
2. K Gangadhar, S/o Ganga Rajam, Aged 60 Yrs, Occ: Deputy Tahisildar, R/o Pegadapalli Village Tahasil Office, Jagityal Dist.

...RESPONDENTS/DE-FACTO COMPLAINANT

Petition under Section 528 of BNSS, praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in CC No. 801 of 2024 on the file of Additional Judicial Magistrate of First Class Magistrate, at Karimnagar, against the Petitioner.

I.A. NO: 2 OF 2026

Petition under Section 528 of BNSS, praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant Stay of all further proceedings in CC No. 801 of 2024 on the file of Additional Judicial Magistrate of First Class Magistrate, At Karimnagar including the attendance of the Petitioner till the disposal of the Main Quash Petition in the interest of the justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K Karuna Sagar, Advocate for the Petitioner and of Sri. Jithender Rao Veeramalla, the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and None appeared for Respondent no.2.

The Court made the following: ORDER

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

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.2246 of 2026

Date: 19.02.2026

Between:

Sogala Kumar

...Petitioner

AND

The State of Telangana,
through PS Pegadapalli, Jagtyal Dist.,
Rep. by its Public Prosecutor,
High Court for the State of
Telangana, at Hyderabad and another

...Respondents

: O R D E R :

This Criminal Petition has been filed by the petitioner/accused seeking to quash the proceedings in C.C.No.801 of 2024 on the file of the Additional Judicial Magistrate of First Class (P.C.R) Magistrate, at Karimnagar.

2. Heard Mr.K.Karuna Sagar, learned counsel for the petitioner, and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing on behalf of respondent No.1-State.

3. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he has been falsely implicated in the present case. Even according to the allegations made in the complaint or in the final report, the ingredients of the offences under Section 188 of the Indian Penal Code, 1860 (for short 'IPC') and Section 127(A) of the Representation of People Act, 1951 (for short, 'the RP Act') are not attracted. He further submitted that the issue raised in the present criminal petition is squarely covered by the orders passed by this Court in Crl.P.No.8227 of 2022, dated 24.11.2025 and the common order passed in Crl.P.Nos.152 and 5696 of 2025 dated 18.08.2025 and also placed copies of the said orders. The petitioner is also entitled for the very same relief. Hence, the continuation of the proceedings against the petitioner is a clear abuse of the process of law.

4. The said submission has not disputed by learned Additional Public Prosecutor.

5. In view of the above said submissions and taking into consideration the orders passed by this Court in Crl.P.No.8227 of 2022, dated 24.11.2025, and Crl.P.Nos.152 and 5696 of 2025, dated 18.08.2025, this Court finds it to be a fit case to exercise jurisdiction

under Section 528 of the BNSS to quash the proceedings against the petitioner herein.

6. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.801 of 2024 on the file of the Additional Judicial Magistrate of First Class (PCR) Magistrate, at Karimnagar, against the petitioner/accused, are hereby quashed.

Miscellaneous applications, pending if any, shall stand closed.

SD/- MOHD.ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Additional Judicial First Class Magistrate (PCR) Magistrate at Karimnagar.
2. The Station House Officer, Pegadapalli Police Station, Jagtial District.
3. Two CCs to the Public Prosecutor, High court for the state of Telangana, at Hyderabad [OUT]
4. One CC to Sri. K Karuna Sagar. Advocate [OPUC]
5. Two CD Copies

Pr/PSL

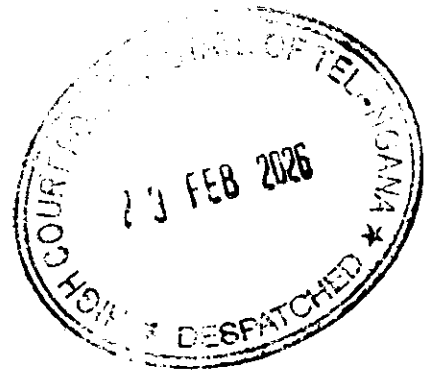
Jks

HIGH COURT

DATED: 19/02/2026

ORDER

CRLP.No.2246 of 2026



ALLOWING THE CRL.PETITION

(8) - JKS
23/2/26

HON'BLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION Nos.152 AND 5696 OF 2025

COMMON ORDER:

Heard Mr. N. Naveen Kumar, learned counsel for the petitioners - accused Nos.1, 2 & 4 and Mrs. Shalini Saxena, learned counsel representing Mr. Palle Nageswara Rao, learned Public Prosecutor appearing on behalf of the respondents.

2. Criminal Petition No.152 of 2025 is filed by accused Nos.1 and 2 under Section - 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), to quash the proceedings in C.C. No.7169 of 2024 pending on the file of the IV Additional Chief Metropolitan Magistrate, Hyderabad, while Criminal Petition No.5696 of 2025 is filed by accused No.4 to quash the proceedings against him in the aforesaid C.C.

3. The petitioners herein are arraigned as accused Nos.1, 2 and 4 respectively in the aforesaid C.C. The offences alleged against them are under Sections - 171B read with 171E and 188 read with 109 of IPC.

4. On the complaint lodged by respondent No.2 - Assistant Sub-Inspector of Police, Amberpet Police Station, Hyderabad, the

Police have registered a case in Crime No.333 of 2024 against the petitioners herein and another for the aforesaid offences.

5. As per the report given by respondent No.2, dated 11.05.2024 to the police, the allegations levelled against the petitioners herein are as follows:

i) While respondent No.2 was performing his duty at Vishal Mark Check Post along with SST-2C Team for vehicle checking, one two-wheeler bearing registration No.TS 04-E2 -3631 (Honda Shine- Black Colour) came from Uppal towards Amberpet. When he stopped him and checked his vehicle, the complainant found Rs.1,90,000/- in his vehicle's tank cover and also found the voter list of NTR Nagar, Saroornagar along with pamphlets of Chevella Lok Sabha Constituency Contestant - accused No.4.

ii) When the complainant asked that person, he revealed his details as Mr. M. Murali (accused No.1). While the complainant asked about the money, accused No.1 told that he is teaching in Chemistry Department Faculty at Geethanjali Engineering College, Cheryala and his colleague - Mr. Sridhar (accused No.2) gave that money and the voter list of NTR Nagar, Saroornagar.

iii) Mr. Ravinder Reddy, Chairman of the said College and own brother of accused No.4 who is shown as accused No.3 in FIR, told him to distribute that money to the voters mentioned in the said voter list and asked them to vote for accused No.4. Therefore, the complainant in the presence of SST-2C in-charge seized the said money, voter list and pamphlets.

iv) The said acts of the petitioners are in violation of Model Code of Conduct (MCC) and accordingly requested the police to take action against the petitioners as per law.

6. On receipt of the aforesaid report, the Police, Saifabad Police Station, registered the aforesaid crime.

7. During the course of investigation, the Investigating Officer recorded the statement of respondent No.2 herein as LW.1, Mr. Jeevan Reddy, SST-2 C-Team and Mr. Balakrishna, HC 8377 of Amberpet P.S., eye-witnesses, as LWs.2 and 3. *Panch* witnesses for seizure of money as LW.4 and LW.5. LW.6 is the Official who issued FIR and LW.7 is the Investigating Officer in the aforesaid crime who laid the charge sheet.

8. In the statements recorded under Section - 161 of Cr.P.C., respondent No.2 reiterated the contents of the aforesaid FIR. The

statements of LWs.2 and 3 are also on the same lines. On consideration of the said statements, the Investigating Officer laid the charge sheet against the petitioners herein. However, the Investigating Officer dropped charge sheet against accused No.3. The same was taken on file as C.C. No.7169 of 2024 by learned IV Additional Chief Metropolitan Magistrate, Hyderabad for the aforesaid offences.

9. To quash the proceedings in the said C.C., the petitioners herein filed the present criminal petition contending that the contents of complaint dated 11.05.2024 and statements of LWs.1 to 3 lack the ingredients of the aforesaid offences. There is no abetment and there is no gratification by the petitioners to any person including Voter with the object of inducing him to exercise any electoral vote in favour of anybody. The said aspects were not considered by the Investigating Officer. He did not examine any voter to prove the offence under Section - 171-B of IPC i.e., bribery. Basing on the statement of respondent No.2 and statements of two constables, the Investigating Officer laid charge sheet against the petitioners. There are no orders that were issued by any Authority and the question of violating the same by the petitioners

does not arise. The Investigating Officer and learned Magistrate did not follow the procedure laid down under Cr.P.C. while filing charge sheet and while taking cognizance for the aforesaid offences, more particularly, Section - 188 of IPC against the petitioners. With the said submissions, the petitioners sought to quash the proceedings in the aforesaid C.C.

10. In support of his contentions, learned counsel for the petitioners placed reliance on the decisions in **Sunil Kumar Ahuja v. State of Telangana**¹, **Kesineni Srinivasa Rao v. State of A.P.**², **Syed Taha Arsalan v. The State of Telangana**³, **Prabhakar v. State of Telangana**⁴, **Sankara Prabhakar v. State of Telangana**⁵, **Kishori Lal v. State of M.P.**⁶, **State of Kerala v. S. Unnikrishnan Nair**⁷, **M. Mohan v. State**⁸, **Dinesh Kumar Mathur v. State of Madhya Pradesh**⁹, **Sharif Ahmed v. State of**

¹. 2023 SCC OnLine TS 30

². 2015 SCC OnLine Hyd.1013

³. MANU/TL/0574/2021

⁴. 2023 SCC OnLine TS 4397

⁵. 2023 SCC OnLine TS 4400

⁶. (2007) 10 SCC 797

⁷. (2015) 9 SCC 639

⁸. (2011) 3 SCC 626

⁹. 2025 SCC OnLine SC 21

Uttar Pradesh¹⁰, Srikanth Chintalapati v.State of Telangana¹¹
and E. Ravinder Reddy v. State of Telangana¹².

11. Whereas, Mrs. Shalini Saxena, learned counsel representing Mr. Palle Nageswara Rao, learned Public Prosecutor, would contend that there are serious allegations against the petitioners herein. They are Faculty Members of the College run by the brother of accused No.4. Accused No.4 was contesting candidate as a Member of Parliament from Chevella Constituency. LWs.2 and 3 specifically have spoken about the role played by the petitioners in commission of offence. Cash of Rs. 90,000/- along with voters list was seized from the petitioners. There are serious allegations against the petitioners. Therefore, the aforesaid contentions of the petitioners are triable issues and it is for the trial Court to consider the same. With the said submissions, she sought to dismiss the present writ petitions.

12. In the light of the above, it is apt to note that Section - 188 of IPC which deals with 'disobedience to order duly

¹⁰. 2024 SCC OnLine SC 726

¹¹. 2023 SCC OnLine TS 3762

¹². MANU/TL/1029/2023

promulgated by a public servant' and the same is extracted as under:

"188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.”

13. It is also apt to note that in **N.T. Rama Rao v. The State of A.P., rep. by Public Prosecutor**¹³ while dealing with the offences under Sections - 188 and 283 of IPC, learned Single Judge held as under:

“5) Even if the allegation that the petitioner conducted public meetings at three road junctions contrary to the permission accorded for conducting of a public meeting only at one specified place is true, such a direction under Section 30 of the Police Act, 1861 could have been given only by the Superintendent or the Assistant Superintendent of Police of the District but not by any of their subordinates. If such a permission is granted under Section 30 of the Police Act, 1861 and is violated, Section 195 (1) (a) of Code of Criminal Procedure mandates that the complaint in this regard has to be made by the public servant concerned or some other person to whom such a public servant is administratively subordinate to enable any Court to take cognizance of an offence under Section 188 of Code of

¹³. Criminal Petition No.5323 of 2009, decided on 17.09.2009

Criminal Procedure. In the present case, the charge sheet was filed by the Sub Inspector of Police, who could not have been the authority to grant permission for the public meeting and therefore, the complaint/charge sheet is in violation of the mandatory provision of Section 195(1)(a) of Code of Criminal Procedure.

6) That apart, the offence alleged to have been committed under Section 283 of the Indian Penal Code by the petitioners and others is obviously in consequence to the alleged offence under Section 188 of Indian Penal Code and is not an independent of the same. Even otherwise, the conduct of public meeting at three road junctions or obstruction to the traffic could not have been considered as causing any danger or injury to any person. In so far as the obstruction in any public way is concerned, which can also be covered by Section 283 of the Indian Penal Code, the charge sheet cites only one witness to speak about the traffic jam caused by the road show. But, when the conduct of the public meeting at least at one place has been permitted and if the gathering for that public meeting resulted in any inconvenience by way of obstructing the traffic, the same cannot be considered to be with necessary guilty mens rea to construe the existence of an offence punishable under Indian Penal Code. Under the circumstances, none of the offences alleged can be said to have any reasonable basis and in any view, the

complaint/charge sheet being in violation of Sect on 195

(1) (a) of Code of Criminal Procedure, has to fail

7) As the complaint has failed due to its unsustainability, the proceedings in their entirety have to fail, though the 1st accused alone approached this Court by way of this Criminal Petition.”

14. In **Thota Chandra Sekhar v. The State of Andhra Pradesh**, through S.H.O., P.S. Eluru Rural, West Godavari District¹⁴ relying on various judgments including **N.T. Rama Rao**¹³ and the guidelines laid down by the Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal**¹⁵, more particularly, guideline No.6, which says that where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious remedy to redress the grievance of the party, a learned Single Judge of High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh quashed the proceedings in the said C.C. by exercising power under Section - 482 of Cr.P.C. It was

¹⁴. Criminal Petition No.15248 of 2016, decided on 26.10.2016

¹⁵. (1992) Supp. 1 SCC 335

further held that the proceedings shall not be continued due to technical defect of obtaining prior permission under Section - 155 (2) of Cr.P.C. and taking cognizance on the complaint filed by V.R.O. and it is against the purport of Section - 195 (1) (a) of Cr.P.C.

15. In view of the above, *prima facie*, the Investigating Officer did not follow the procedure laid down under Section - 155 of Cr.P.C. Further, contents of charge sheet including statements of LWs.1 to 3 lack the ingredients of Section - 188 of IPC. Therefore, the proceedings in the said C.C. for the offence under Section - 188 of IPC are liable to be quashed against the petitioners herein.

16. Section - 171B of IPC deals with 'bribery', while Section - 171E deals with punishment for bribery, and the same is extracted as under:

"S.171B. Bribery.

(1) Whoever:

- (i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

- (ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery;

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

- (2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.
- (3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.”

“S.171E. Punishment for bribery

Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both;

Provided that bribery by treating shall be punished with fine only.”

17. Section - 107 deals with ‘abetment of a thing’, while Section - 109 of IPC deals with ‘punishment of abetment if the act

abetted is committed in consequence and where no express provision is made for its punishment', and the same is extracted as under:

“Section 107: Abetment of a thing

A person abets the doing of a thing, who:

- (1) Instigates any person to do that thing; or
- (2) Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or
- (3) Intentionally aids, by any act or illegal omission, the doing of that thing.”

“Section 109: ‘punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence.”

18. To attract an offence under Section - 171B of IPC, the requirement is that he should be a person, who give or at least

offers to give any gratification as a reward for exercising the electoral right or for having exercised such a right, by another person. There is no mention in the complaint dated 11.05.2024 of respondent No.2 and in his statement recorded under Section - 161 of Cr.P.C. and also the statements of LWs.2 and 3 that the petitioners offered the said amount as gratification to any voter with an object to induce him to exercise his franchise in favour of accused No.4.

19. In **Kesineni Srinivasa Rao**², the combined High Court of Andhra Pradesh at Hyderabad, held that term gratification should be understood in the perspective of the recipient rather than the giver that is to say whatever has been paid by the giver should give pleasure or satisfaction to the recipient. The term gratification is not restricted to pecuniary gratification or gratification estimable in money. It embraces all forms of gratification in the ordinary and simple meaning of term gratification. The scope of the meaning of the word gratification is thus very wide and will cover any return which pleases for some favour done. In order to hold a person guilty of offering bribe to another person under Section 171-B of

IPC, the giver may pay money or kind to the recipient but it must please or satisfy the recipient to exercise any electoral right.

20. In the light of the above, as discussed above, in the present case, the contents of complaint dated 11.05.2024 and the statements of LWs.1 to 3 lack the ingredients of offence under Section - 171B of IPC.

21. In **Kishori Lal**⁶, the Apex Court held in paragraph No.6 as under:

“6. Section 107 IPC defines abetment of a thing. The offence of abetment is a separate and distinct offence provided in the Act as an offence. A person, abets the doing of a thing when (1) he instigates any person to do that thing; or (2) engages with one or more other persons in any conspiracy for the doing of that thing; or (3) intentionally aids, by act or illegal omission, the doing of that thing. These things are essential to complete abetment as a crime. The word "instigate" literally means to provoke, incite, urge on or bring about by persuasion to do anything. The abetment may be by instigation, conspiracy or intentional aid, as provided in the three clauses of Section 107. Section 109 provides that if the act abetted is

committed in consequence of abetment and there is no provision for the punishment of such abetment, then the offender is to be punished with the punishment provided for the original offence. 'Abetted' in Section 109 means the specific offence abetted. Therefore, the offence for the abetment of which a person is charged with the abetment is normally linked with the proved offence."

22. In the present case, the contents of the complaint dated 11.05.2024 and the statements of LWs.1 to 3 lack the ingredients of Section - 107 of IPC.

23. The Investigating Officer did not examine any voter or any independent witness to prove that the petitioners offered gratification to him with an object of inducing to exercise his electoral right in favour of accused No.1 by taking gratification/reward. In the absence of the same, prosecuting the petitioners for the offence under Section - 17 B of IPC is impermissible.

24. In **Bhajan Lal**¹⁵, the Apex Court cautioned that power of quashing should be exercised very sparingly and circumspection and that too in the rarest of rare cases. While examining a

complaint, quashing of which is sought, Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or in the complaint. The Apex Court in the said judgment laid down certain guidelines/parameters for exercise of powers under Section - 482 of Cr.P.C., which are as under:

"(1) Where the allegations made in the first information report or the complaint, even if they are 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) of the Code 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 and 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, 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 on the basis of which no prudent person can 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 Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the

accused and with a view to spite him due to private and personal grudge."

The said principle was reiterated by the Apex Court in catena of decisions.

25. As discussed above, accused Nos.1 and 2 are faculty members of Geethanjali Engineering College, Cheryala, and accused No.3 is the Chairman of the said College. Accused No.4 is the brother of accused No.3. The Investigating Officer deleted the name of accused No.3 from the charge sheet. He has filed charge sheet only against the petitioners herein - accused Nos.1, 2 and 4. Accused No.4 was the contesting candidate for the Parliament Constituency from Chevella Segment. Thus, continuation of proceedings against the petitioners herein in the aforesaid C.C. is an abuse of process of law. It cannot go on. Thus, the proceedings in the said CC are liable to be quashed.

26. In view of the aforesaid discussion and the principle laid down in the aforesaid decision, both the Criminal Petitions are allowed and the proceedings in C.C. No.7169 of 2024 pending on the file of the learned IV Additional Chief Metropolitan

Magistrate, Hyderabad, are hereby quashed against the petitioners herein - accused Nos.1, 2 and 4.

As a sequel thereto, miscellaneous petitions, if any, pending in the Criminal Petitions shall stand closed.

18th August, 2025
Mgr

K. LAKSHMAN, J