IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 4906 OF 2023

Between:

1. Sri Anand Kumar Dubbaka, S/o. late D. Nataraja Chary, age: 53 years, Occ: Goldsmith.
2. Sri Pramod Kumar Dubbaka, S/o D. Anand Kumar, age: 27 years, Occ: Goldsmith.

Both are R/o. H.No. 8-2-521, Kummariguda, Secunderabad.

...Petitioners/Accused No.1 and 2.

AND

1. State of Telangana, represented by Public Prosecutor, High Court of Telangana, Hyderabad.
2. Sri Dubbaka Naveen Kumar, S/o Late D. Nataraja, age: 47 years, Occ: Goldsmith, r/o. 8-2-521, Kunimariguda, Secunderabad.

...Respondents

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 C.C. No. 2883/20 dated 15-10-2020 arising from FIR No. 139/2020 dated 30-09-2020 pending before the XXII Additional Chief Metropolitan Magistrate at Secunderabad, registered by P.S. Market, Secunderabad on the complaint made by the 2nd respondent.

I.A. NO: 1 OF 2025

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 receive documents, i.e., gas bill, electricity bills, passport, photos of the Petitioner herein in the above CRLP No. 4096 of 2023.

I.A. NO: 1 OF 2023

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 pursuance of C.C.No. 2883/20 dated 15-10-2020 arising from FIR No. 139/2020 dated 30-09-2020 on the file of XXII Additional Chief Metropolitan Magistrate at Secunderabad including appearance of the Petitioners/A-1 and 2 herein, pending disposal of Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G. Subash, learned counsel representing Mrs. A Anasuya, Advocate for the Petitioner and Sri D. Arun Kumar, learned Additional Public Prosecutor on behalf of the Respondent No.1 and of Sri Baglekar Akash Kumar, Advocate 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.4906 of 2023

DATE OF ORDER:10.03.2026

Between:

Sri Anand Kumar Dubbaka & another

...Petitioners/Accused Nos.1 & 2

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 (for short, 'Cr.P.C) seeking to quash the proceedings against the petitioners/accused Nos.1 & 2 in C.C.No.2883 of 2020, on the file of the learned XXII Additional Chief Metropolitan Magistrate at Secunderabad, registered for the offences punishable under Sections 448, 427 and 506 of IPC.

2. Heard Sri G.Subash, learned counsel representing Smt.A.Anasuya, learned counsel on record for the petitioners as well as Sri Baglekar Akash Kumar, learned counsel representing Sri Jagini Venkata Naga Raju, learned counsel on record for respondent No.2.

3. The case of prosecution is that the *de facto* complainant/LW1 is staying in 2nd floor of H.No.8-2-521, Kummariguda, Secunderabad and that accused No.1, who is his own brother, stays in the ground floor of same address and that the said property belongs to their father. It is alleged that on 24.09.2020 at about 16.00 hours, in the absence of LW1, both the accused Nos. 1 & 2 illegally trespassed into the house of LW1, damaged his Almarah, valuable items and thrown away all the household articles and that they abused and threatened LW1 with dire consequences.

4. Learned petitioner's counsel submitted that the allegations are false and that when the *de facto* complainant alleges that the offence was committed in his absence, he cannot allege that the accused threatened him with dire consequences. He further submitted that notice under Section 41-A was served on them on 27.10.2020 while the charge sheet was filed on 15.10.2020 which is much prior in time That means that charge sheet itself is manipulated and that the Police are hand-in-glove with the *de facto* complainant. The date of offence is 24.09.2020 while the complaint is lodged on 30.09.2020. If at all the alleged incident has occurred, the *de facto* complainant would not have kept quiet for a period of six days. He therefore prayed to quash the proceedings against the petitioners.

5. The learned counsel for respondent No.2 has submitted that there are property disputes between both the parties and when the *de facto* complainant went out, his belongings were thrown away and that inspite of the door being locked, they have removed door itself and have damaged the interiors in the house of *de facto* complainant. He further submitted that whatever defence the petitioners want to take, they may raise the same before the Trial Court. But pendency of civil dispute cannot be a ground to quash the criminal proceedings when the offence is *prima facie* made out against the petitioners. He therefore prayed to dismiss the petition.

6. Perused the record.

7. Admittedly, the *de facto* complainant and the accused No.1 are brothers and there are property disputes between both the parties. It is alleged that in the absence of *de facto* complainant, the accused have trespassed into his portion and thrown away the articles in the house. The statements of tenants, who reside in the same premises, are recorded by the prosecution and they are listed as LWs 3 to 5. Their evidence need to be tested during the course of trial. It is borne out by record that Partition Suit vide O.S.No.213 of 2018 was pending before the Trial Court for adjudication. The statements of LWs 3 to 5 are in support of the case of the *de facto* complainant.

8. The contention of the petitioners' counsel is that trespass cannot be alleged against co-owner and that since he is the brother of the *de facto* complainant, trespass cannot be alleged against him and the property was acquired by their father and that he too has a right over the property. Admittedly, both of them are residing in their respective portions in the subject property i.e., H.No.8-2-521 at Kummariguda, Secunderabad. But the allegations point out that in the absence of LW1, accused Nos.1 & 2 removed the door of the portion in which LW1 is residing and has meddled with the articles inside the house. Thus, the allegations point out *prima facie* offence of trespass against the petitioners herein. Hence, it is not appropriate to quash the proceedings against the petitioners. The truth or otherwise in the allegations can be culled out only after a full-fledged trial.

9. Learned petitioners' counsel has relied upon the decision of the Apex Court in **URMILA DEVI & OTHERS Vs. BALRAM & ANOTHER**[1] wherein the Apex Court heid as under:-

> "In Anand Kumar Mohatta, this Court whilst quashing the FIR and charge sheet therein, highlighted the following words of this Court in State of Karnataka v.L.Muniswamy (1977) 2 SCC 699, that describe the fundamental principle for exercise of powers under Section 482 of the Cr.P.C.:

[1] 2025 INSC 915

> *"7. ... In the exercise of this wholesome power, the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a Court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice." (underlining by us)*
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> 9. On a careful consideration of the aforementioned judicial dicta, we find that none of the offences alleged against the accused-appellants herein are made out. The instant case is just another one in a string of cases filed in recent years that seek to disguise a civil dispute as criminal. The complaint case against the accused-appellants has been pending for over two decades and its continuation would not serve any purpose. The observations made by this Court in Madhavrao Jiwajirao Scindia inform our decision and the judgment of this Court in the case of Bhajan Lal and particularly sub-paragraphs 1, 3, 5 and 7 of paragraph 102 extracted above, squarely apply to the facts of this case. In our view, it is in the interest of justice that present proceedings be quashed."

But in the present case, the allegations point out *prima facie* offence against the petitioners. Therefore, the said decision cannot be applied.

10. Learned counsel for respondent No.2 has relied upon the decision of the Hon'ble Apex Court in **CENTRAL BUREAU OF**

INVESTIGATION Vs. ARVIND KHANNA[2] wherein, the Apex Court at Paras 17 & 18 held as under:-

> *"17. After perusing the impugned order and on hearing the submissions made by the learned Senior Counsel on both sides, we are of the view that the impugned order passed by the High Court is not sustainable. In a petition filed under Section 482 Cr.P.C., the High Court has recorded findings on several disputed facts and allowed the petition. Defence of the accused is to be tested after appreciating the evidence during trial. The very fact that the High Court, in this case, went into the most minute details, on the allegations made by the appellant CBI and the defence put forth by the respondent, led us to a conclusion that the High Court has exceeded its power, while exercising its inherent jurisdiction under Section 482 Cr.P.C.*
>
> *18. In our view, the assessment made by the High Court at this stage, when the matter has been taken cognizance of by the competent Court, is completely incorrect and uncalled for."*

The Apex Court has emphasized on the contours of the power of High Court under Section 482 of Cr.P.C. Applying the said principle and in the facts and circumstances of the case, it is not proper to quash the proceedings in the present case. However, it is deemed appropriate to dispose of the Criminal Petition by dispensing with the attendance of the petitioners before the Trial Court.

11. Hence, the Criminal Petition is disposed of dispensing with the presence of the petitioners/accused Nos.1 & 2 before the Trial Court

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[2] (2019) 10 Supreme Court Cases 686

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.

12. Pending miscellaneous applications, if any, shall stand closed.

SD/-K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XXII Additional Chief Metropolitan Magistrate at Secunderabad.
2. The Station House Officer, Market Police Station, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Mrs. A Anasuya, Advocate [OPUC]
5. One CC to Sri Baglekar Akash Kumar, Advocate [OPUC]
6. Two CD Copies

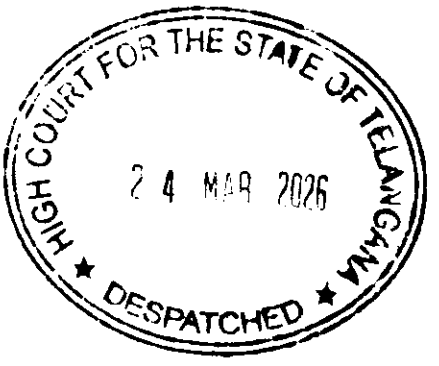
GNK/PSL

HIGH COURT

DATED: 10/03/2026

ORDER

CRLP.No.4906 of 2023



DISPOSING THE CRIMINAL PETITION

(9)

kpr

24/3/26