

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

**WEDNESDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 16328 OF 2024

Between:

Thutipally Ravi @ Ravi Kumar, S/o.Ramachandram, Aged about 43 years,
Occ. Advocate, R/o.Devarkonda, Nalgonda District.

...Petitioner/Accused-2

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana At Hyderabad.
2. Sri Pothem Karunakar, S/o.Iddaiah, Aged about 35 years, Occ. Agriculture, R/o. PA Pally Village & Mandal, Nalgonda District.

...Respondents/Defacto 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 SC. Spl. No. 27 of 2023 dated 31/01/2023 against the Petitioner/Accused No.2 on the file of SPL. Sessions Judge for SC/STs cum II Addl. District and Sessions Judge, at Nalgonda, for the offences U/Sec. 323, 504, 506 r/w 34 IPC, 3(1)(r)(s) SC ST POA ACT 2015.

I.A. NO: 1 OF 2024

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 SC. Spl. No. 27 of 2023 dated 31/01/2023 against the Petitioner/Accused No.2 on the file of SPL. Sessions Judge for SC/STs cum II Addl. District and Sessions Judge, at Nalgonda, for the offences U/Sec. 323, 504, 506 r/w 34 IPC, 3(1) (r) (s) SC ST POA ACT 2015, pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr B. BALAJI, Advocate representing Mr R GIRI KUMAR, Advocate for the Petitioner and Mr E. GANESH, the Additional Public Prosecutor 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 HONOURABLE SRI JUSTICE N.TURARAMJI

CRIMINAL PETITION No.16328 OF 2024

DATE :04.02.2026

Between:

Thutipally Ravi.

...Petitioner :-Accused No.2

AND

The State of Telangana and another

...Respondents/Defacto Complainant

ORDER:

2. This Criminal Petition has been filed seeking quashment of the proceedings insofar as they relate to the petitioner/ Accused No. 2 in S.C. Spl. No. 27 of 2023, dated 31.01.2023, pending on the file of the Special Sessions Judge for SC/STs-cum-II Additional District and Sessions Judge, Nalgonda.

3. Heard Sri B.Balaji, learned counsel, representing Sri R.Giri Kumar, learned counsel for the petitioner and Sri E. Ganesh, learned Assistant Public Prosecutor.

4. The brief facts, as borne out from the record, are that respondent No.2 lodged a police report on 01.06.2019 alleging that

on 25.11.2018, at about 3:00 p.m., when he visited the BJP party office, the petitioner along with other accused persons was present therein. It was alleged that one of the accused abused the complainant by referring to his caste, that certain accused persons assaulted him and pushed him into a drainage canal, and that thereafter some of the accused, including the petitioner, threatened him with dire consequences by stating that he would be killed if he visited the party office again. On the basis of the said complaint, Crime No. 154 of 2019 was registered. Upon completion of investigation, a charge sheet came to be filed for offences punishable under Sections 323, 504, and 506 read with Section 34 of the Indian Penal Code, 1860, and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015. Accused No. 2 has been shown as liable for offences under Sections 323, 504, and 506 of the IPC.

5. Learned counsel for the petitioner contends that even a bare perusal of the complaint and the statements of witnesses recorded during investigation would demonstrate that, except for the allegation made by the defacto complainant, none of the other eyewitnesses have attributed any overt act to the petitioner. On the contrary, the witnesses have categorically stated that although the petitioner was present at the scene, he neither abused nor assaulted

the complainant. It is further submitted that the petitioner has been falsely implicated due to political rivalry and that the continuation of the proceedings would amount to an abuse of the process of law.

6. On the other hand, the learned Assistant Public Prosecutor submits that the police report and the statement of the defacto complainant clearly establish the presence of the petitioner at the scene of occurrence and his participation in the incident. It is argued that variations in the statements of witnesses are matters for trial, and since the offence is alleged to have been committed in furtherance of common intention, the role of the petitioner cannot be dissected at this stage. It is therefore contended that interference under Section 482 of the Code of Criminal Procedure is not warranted.

7. I have considered the rival submissions and perused the material placed on record.

8. It is a settled principle of law that while exercising inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973, or under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the High Court is required to examine whether the uncontroverted allegations, taken at their face value and accepted in their entirety, disclose the commission of any offence; whether the

proceedings are manifestly attended with mala fides; or whether permitting such proceedings to continue would amount to an abuse of the process of the Court. The Court, at this stage, is not expected to embark upon a meticulous appreciation of evidence, but it is equally impermissible to mechanically permit prosecution to proceed where the foundational ingredients of the alleged offences are absent.

9. In the present case, the material on record clearly establishes that the petitioner was present at the BJP office at the relevant point of time. The defacto complainant has specifically identified the accused persons who are alleged to have abused him by referring to his caste and those who assaulted him and pushed him into the drainage canal. Significantly, insofar as the petitioner is concerned, the allegation is confined to an assertion that he threatened the complainant with death if he visited the office again.

10. It is equally material to note that the statements of the other eyewitnesses consistently indicate that although the petitioner was present at the scene, he neither abused nor assaulted respondent No. 2. Thus, even if the statement of the victim is accepted in its entirety, the petitioner is not attributed with any role relating to the offences under Section 323 of the IPC or the offences under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act. The complaint itself distinctly identifies the accused persons alleged to have committed these specific acts.

11. The law is well settled that mere presence at the scene of offence, without any specific overt act or material indicating shared intention, is insufficient to attract criminal liability with the aid of Section 34 of the IPC. Common intention cannot be inferred solely on the basis of presence unless there is cogent material to demonstrate a pre-arranged plan or active participation. Extending the allegations against the petitioner merely on the basis of his presence would therefore result in unwarranted and mechanical implication.

12. In view of the above discussion, this Court is of the considered opinion that the continuation of proceedings against the petitioner for offences under Section 323 of the IPC and under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act cannot be sustained and would amount to an abuse of the process of law. Accordingly, the proceedings against the petitioner are liable to be quashed to the said extent. However, it is clarified that the allegation pertaining to criminal intimidation under Section 506 of the IPC, having been specifically attributed to the petitioner, shall be examined by the Trial Court independently, on its own merits and in accordance with law.

13. With this direction, this petition is allowed in part.

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

SD/- C.DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Addl. Judicial First Class Magistrate at Devarakonda.
2. The Station House Officer, Devarkonda Police Station, Nalgonda Dist.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad. [OUT]
4. One CC to Mr B. BALAJI, Advocate representing Mr R GIRI KUMAR, Advocate Advocate [OPUC]
5. Two CD Copies

RC/PSL

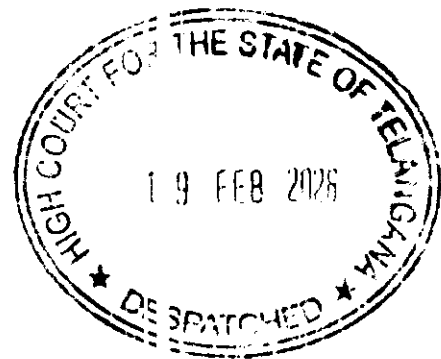
[Signature]

HIGH COURT

DATED: 04/02/2026

ORDER

CRLP.No.16328 of 2024



Accordingly, this Criminal Petition is Allowed in Part

⑧
kpr
19/2/26