

IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

THURSDAY, THE TWENTY EIGHTH DAY OF MARCH  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 1139 AND 1169 OF 2023

CRIMINAL PETITION NO: 1139 OF 2023

Between:

1. Anjan Karthik Chandra S/o. Gururajan Narasimha Rao, Age. 24 years, Occ Student, R/o H.No. 171/172, TRT colony, Seethafal mandi, Secunderabad.
2. Laxmi Tulusi W/o. Gururajan Narasimha Rao, Age. 43 yrs, Occ. pvt teacher, R/o H.No.171/172, TRT colony, Seethafal mandi, Secunderabad.
3. Kum. Kruthika D/o Gururajan. Narasimha Rao, Age 19 yrs, Occ Student R/o H.No 171/172, TRT colony, Seethafal mandi, Secunderabad.
4. N. Gayathri W/o. N. Shyam Sundar Rao, Age 52 yrs, Occ House wife, R/o H.No 2-2-1132/8, nednur Nilayam, Shivam Road, New Nallakunta , Hyderabad.
5. N.Shyam Sundar Rao S/o. late N. Madhu sudan Rao, Age 55 yrs, Occ- pvt employee, R/o H.No.2-2-1132/8, Nednur Nilayam, Shivam Road, New Nallakunta , Hyderabad.

...PETITIONERS/ACCUSED No. 1,3 to 6  
AND

1. The State of Telangana, rep by Public Prosecutor, High Court of Hyderabad.
2. Smt. Veena Raghavndran W/o. G. Raghavendran, Age. 50 Years, Occ. House Wfie, R/o. H.No. 171/172, T.R.T. Quarters, Seethafalmndi, Secundrabad.

...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 criminal complaint C.C. No.2803 OF 2020 on the file of the X Additional Chief Metropolitan Magistrate at Secunderabad as abuse of process of law.

**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 of trial in C. C. NO.2803 OF 2020 on the file of/ the Hon'ble X Addl. Chief Metropolitan Magistrate at Secunderabad, including personal appearance of the petitioners.

**CRIMINAL PETITION NO: 1169 OF 2023**

**Between:**

1. N.Shyam Sundar Rao S/o. late N. Madhu sudan Rao, Age. 55 yrs, Occ.- pvt employee, R/o H.No.2-2-1132/8, Nednur Nilayam, Shivam Road, New Nallakunta , Hyderabad.
2. A.Laxmi Tulasi, W/o. Gururajan Narasimha Rao, Age.- 52 yrs, Occ. pvt teacher, R/o H.No.171/172, TRT colony, Seethafal mandi, Secunderabad.
3. N. Gayathri, W/o. Shyam Sundar Rao, Age 52 yrs, Occ House wife, R/o H.No. 2-2-1132/8, Nednur Nilayam, Shivam Road New Nallakunta , Hyderabad.

**...PETITIONERS/ACCUSED no. 2 to 4**

**AND**

1. The State of Telangana, rep by Public Prosecutor, High Corut of Hyderabad.
2. Smt. Veena Raghavndran, W/o. G.Rghhaavendran, Age. 50 Years, Occ. House Wife, R/o. H.No. 171/172, T.R.T. Quarters, Seethafamndi, Secundrabad.

**...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 to quash the criminal compalint C. C. NO.4003 OF 2019 on the file of the X Additional Chief Metropolitan Magistrate at Secunderabad as abuse of process of law.

**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 of trial in C.C. NO.4003 OF 2019 on the

file of the X Additional Chief Metropolitan Magistrate at Secunderabad, including personal appearance of the petitioners

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G. L. NARASIMHA RAO, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No. 1 and of Sri S. PRASAD BABU, Advocate for the Respondent No. 2.

**The Court made the following COMMON ORDER:**

**THE HONOURABLE SMT. JUSTICE K. SUJANA**

**CRIMINAL PETITION Nos.1139 and 1169 OF 2023**

**COMMON ORDER:**

Since the issue involved in both the criminal petitions is one and the same, they are being heard together and are being decided by way of this common order.

2. Criminal Petition No.1169 of 2023 is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') to quash the proceedings against the petitioners/accused Nos.1 to 4 in C.C.No.4003 of 2019, on the file of the learned X Additional Chief Metropolitan Magistrate, Secunderabad, registered for the offences punishable under Sections 323 and 506 of the IPC. of the Indian Penal Code, 1860 (for short 'the IPC').
3. Criminal Petition No.1139 of 2023 is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') to quash the proceedings against the petitioners/accused Nos.1 and 3 to 6 in C.C.No.2803 of 2020, on the file of the learned X Additional Chief Metropolitan Magistrate, Secunderabad, registered for the offences punishable under Sections 448, 324, 427 and 506 read with 34 of the IPC.
4. Brief facts of the case in criminal petition No.1169 of 2023 are that respondent No.2/complainant, lodged a complaint before

the Police, Chilkalguda Police Station, Hyderabad, against the petitioners and other accused stating that on 08.10.2019 when her husband went to 4<sup>th</sup> floor for seeing water in overhead tank, her 2<sup>nd</sup> brother in law asked him why you came here by saying that this is my house. Her mother-in-law executed a deed in the name of her husband in respect of 200 square yards and due to this property issue on 07.10.2019; her brother-in-law took rent from the tenants and had quarrelled with them. Her Brother in law, his wife, sister-in-law and their children, and an uninvited guest had beaten their family members. Basing on the said complaint, on 10.10.2019 the Police registered a case in Crime No.638 of 2019 for the offences punishable under Sections 323 and 506 of IPC and on 02.09.2020.

5. Brief facts of the case in criminal petition No.1139 of 2023 are that on 02.09.2020, the petitioners entered into the house of respondent No.2 with sticks, broken the doors and window glasses and beaten her family members. The petitioners also sprayed pepper spray along with them, due to which, family members of respondent No.2 sustained injuries. While respondent No.2 was taking video of the said incident, the petitioners have broken three mobile phones and a tab. Basing on the said complaint, the Police registered a case in Crime No.385 of 2020 for the offences punishable under Sections 448, 324, 427 and 506 read with 34 of the IPC and after completion of investigation, they filed different

charge sheets before the X Additional Chief Metropolitan Magistrate, Secunderabad.

6. Heard Sri G.L. Narasimha Rao, learned counsel appearing on behalf of the petitioners as well as Sri S. Ganesh, learned Assistant Public Prosecutor, appearing on behalf of respondent No.1 and Sri S. Prasad Babu, learned counsel appearing on behalf of respondent No.2 in both the matters.

7. Learned counsel for the petitioners submitted that the subject property is a joint family property. The petitioners in Crl.P.No.1169 of 2023 as well as respondent No.2 are residing in the same premises but in different floors. With the ill intention of the husband of respondent No.2 to snatch away the joint family property, as a counter blast respondent No.2 filed the present cases. Previously, there are cases pending before the trial Court between the parties. Therefore, the contents of the complaint do not constitute any offence as alleged against the petitioners, as such, prayed the Court to quash the proceedings against the petitioners.

8. In support of his submissions, learned counsel for the petitioners relied on the common judgment dated 31.08.2023 of this Court in Criminal Petition Nos.16379 and 16432 of 2014, wherein in paragraph No.15 it is held as follows:

*"As per the decision of the Hon'ble Supreme Court in State of Haryana vs. Bhajan Lal, wherein it was held that 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 proceedings can be quashed."*

9. On the other hand, learned counsel for the respondents submitted that some cases are pending between the petitioners and respondent No.2 and there are serious allegations against the petitioners. The complaints show that the petitioners entered into the house of respondent No.2 damaged the properties and beat respondent No.2 and their family members and since the matter is at the stage of trial, it cannot be quashed against the petitioners, as such, prayed the Court to dismiss the Criminal Petitions.

10. Having regard to the submissions made by both the learned counsel and having gone through the material available on record, the ingredients of the complaints show that the petitioners entered into the house of respondent No.2, damaged the properties and beat them. Therefore, the decision relied upon by the petitioners is not applicable to the case on hand.

11. In the present case, the offences alleged against the petitioners was also under Section 324 of IPC, which requires trial. Therefore, this Court does not find any merit in the criminal petitions to quash the proceedings against the petitioners and the same are liable to be dismissed.

12. Accordingly, the Criminal Petitions are dismissed. However, the trial Court is directed to conclude the trial, as expeditiously as possible within six (6) months from the date of receipt of a copy of this order, and dispose of the matters.

Miscellaneous applications, if any pending, shall also stand closed.

//TRUE COPY//

Sd/- V. HARI PRASAD  
ASSISTANT REGISTRAR  
SECTION OFFICER

To,

1. The X Additional Chief Metropolitan Magistrate at Secunderabad.
2. The Station House Officer, Chilkalguda Police Station, Hyderabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI. G. L. NARASIMHA RAO, Advocate [OPUC]
5. One CC to SRI. S. PRASAD BABU, Advocate [OPUC]
6. Two CD Copies

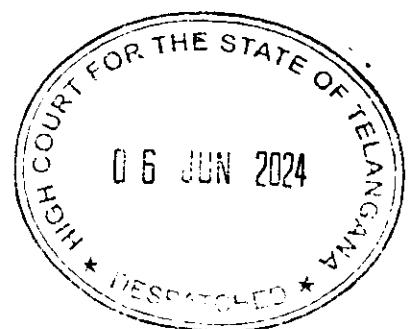
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**HIGH COURT**

**DATED: 28/03/2024**

**ORDER**

**CRLP.No.1139 of 2023  
AND  
CRLP.No.1169 of 2023**



**DISMISSING BOTH THE  
CRIMINAL PETITION'S**

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