

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

THURSDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION NO: 1852 OF 2022

Between:

1. H.Ravi, S/o. Narsimha, Aged about 37 years, Occ. Private Employee, R/o H.No 3-15, Himayathsagar, Gandipet Mandal, Rangareddy District.
2. Dasari Raju, S/o DasariAnand Rao, Aged about 52 years, Occ. Head Constable, R/o Plot no. 290, Abhudayanagar, Gandipet Mandal, Rangareddy District.

AND

...Petitioner/Accused NO.2 & 3.

1. The State of Telangana and another, Rep. by its Public Prosecutor, High Court Hyderabad.
2. A.Narasimha Reddy, HC 2265 of PS Rajendranagar, Cyberabad.

...Respondents/Complainant

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 in S.T.C.No.1076/2021, on the file of the Court of the XIV Additional Metropolitan Magistrate Cyberabad at Rajendranagar, Cyberabad.

I.A. NO: 1 OF 2022

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 grant interim stay all further proceedings in S.T.C.No.1076/2021, on the file of the Court of the XIV Additional Metropolitan Magistrate Cyberabad at Rajendranagar, Cyberabad, including the personal appearance of the petitioners herein, pending the disposal of the quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Abhilash Ashrith Bobbili, Advocate for the Petitioners and the Ms S.Madhavi Assistant Public Prosecutor on behalf of the Respondents.

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.1852 of 2022

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioners-accused Nos.2 and 3 seeking to quash the proceedings against them in S.T.C.No.1076 of 2021 on the file of the learned XIV Additional Metropolitan Magistrate at Rajendranagar, Cyberabad (for short 'trial Court'), arising out of Crime No.2008 of 2020 of P.S. Rajendranagar, registered for the offence under Section 160 of the Indian Penal Code (for short 'IPC').

2. Heard Mr. Abhilash Ashrith Bobbili, learned counsel for the petitioners and Mrs. S.Madhavi, learned Assistant Public Prosecutor appearing for the respondents. Perused the record.

3. The accusation against the petitioners and other accused in the crime is that on 29.11.2020, at about 10.00 hours, at Bethlem Prayer Church, Abhyudaya Nagar, Bandlaguda, a heated argument broke out between accused of party-1 and party-2, each consisting of four individuals belonging to different communal groups. During the altercation, they allegedly used abusive and non-parliamentary language, thereby causing a breach of public peace.

4. Learned counsel for the petitioners submits that there are no specific allegations against the petitioners herein and the ingredients of offence alleged them are not made out. All the witnesses are Police officials. No independent witness was examined by the Police. Thus, he prayed to quash the proceedings against the petitioners.

5. On the other hand, the learned Assistant Public Prosecutor contended that all the accused, including the petitioners herein, have engaged in a quarrel creating affray in public place. All the allegations levelled in the complaint as well as in the charge sheet are subject matter of trial, and hence, this is not a fit case to quash the proceedings at this stage. Accordingly, she prayed to dismiss the petition.

6. Before proceeding further, it would be apposite to examine the provisions of Sections 159 and 160 of IPC. The same are reproduced hereinbelow:

159. Affray.—

When two or more persons, by fighting in a public place, disturb the public peace, they are said to "commit an affray".

160. Punishment for committing affray.—

Whoever commits an affray, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

7. A reading of the said provisions would clearly indicate that in order to bring home the guilt of the accused for an offence of affray, the

prosecution should satisfy the three essentials. Firstly, fighting must be between two or more persons. Secondly, fighting must take place in a public place, and thirdly, such fighting must also result in disturbance of public peace. In the absence of even one of these ingredients, it cannot be stated that there was either an affray or the accused facing the trial, should be held responsible.

8. In the instant case, either in the complaint or charge sheet, there was no allegation of fight having taken place, except stating that a heated argument broke out between two communal groups. Mere quarreling and exchange of words cannot constitute the offence of affray. There was nothing available on record to indicate that there was disturbance of public peace. Hence, the necessary ingredients of Section 160 of IPC to bring home the guilt of the petitioners herein are not made out.

9. Apart from that, yet another illegality and infirmity is also noticed. A mandatory duty is cast on the Investigating Officer to enquire into both the parties and find out who were the aggressors, and file a charge sheet against them. In the instant case, the Police have adopted a shortcut method by charging all the accused as party-1 and party-2. No doubt, prejudice was caused to the parties by the said short-circuit procedure. It is stated in the complaint and charge sheet that upon receiving a call on the 100 dial regarding the alleged incident, the Police proceeded to the

scene. However, the identity and details of the informant who made the call were neither disclosed nor has the informant been examined as a witness. Most of the witnesses are Police officials. No independent witness was examined by the Police to prove the alleged incident.

10. In view of the foregoing discussion, this Court is of the considered opinion that continuation of criminal proceedings against the petitioners-accused Nos.2 and 3 amounts to sheer abuse of process of law and the same are liable to be quashed.

11. Accordingly, this Criminal Petition is allowed, quashing the proceedings against the petitioners-accused Nos.2 and 3 in S.T.C.No.1076 of 2021 on the file of the learned XIV Additional Metropolitan Magistrate at Rajendranagar, Cyberabad.

Pending miscellaneous applications, if any, shall stand closed.

**SD/- T SRIDEVI,
ASSISTANT REGISTRAR.**

//TRUE COPY//

SECTION OFFICER

To,

1. The XIV Additional Metropolitan Magistrate Court at Rajendranagar, Cyberabad.
2. The Station House Officer, Rajendranagar Police Station, Cyberabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri Abhilash Ashrith Bobbili, Advocate [OPUC]
5. Two CD Copies

NVB

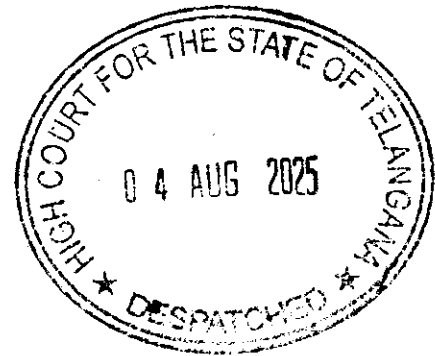
AB

HIGH COURT

DATED:31/07/2025

ORDER

CRLP.No.1852 of 2022



ALLOWING THE CRIMINAL PETITION

⑧MT
4/8/25