

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

**TUESDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 4469 OF 2026

BETWEEN:

1. Vasireddy Lakshmi Sivanarayana, S/o. Sri Venkatappa Rao, Age. 64 years, Occ. Business, R/o. Plot No.376/C, Flat No.301/A, Mahaveer Residency, Jubilee Hills, Hyderabad.
2. Vasi Reddy Nagakumar, W/o. L.V.Siva Narayana, Age. 58 years, Occ. Housewife, R/o. Plot No.376/C, Flat No.301/A, Mahaveer Residency, Jubilee Hills, Hyderabad.

...Petitioners/A.1 & A.2

AND

1. The State of Telangana, Rep. by the it's Public Prosecutor, High Court at Hyderabad (Through SHO, P.S., Banjara Hills, Hyderabad)
2. L. Venkata Rao, S/o. L. Radha Krishna Murthy, Age. 60 years, Occ. Private Employee, R/o. Flat No.303, Karthikeya Enclave, Road No.5, Balaji Nagar, Nizampet, Sangareddy district, Telangana.

...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 FIR No.237 of 2026 on the file of P.S., Banjara Hills, Hyderabad as against the Petitioners/A1 & A2 in the interest of justice.

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 stay all further proceedings against the petitioners/A.1 & A.2 consequent to issuance of FIR No.237 of 2026 by P.S., Banjara Hills, Hyderabad, including taking any cohesive steps, pending disposal of this Criminal Petition in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Vinod Kumar Deshpande,

learned Senior Counsel, representing M/s.Joshi and Chillara Legal Associates LLP, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the Respondent No.1 and of Sri A.Venkatesh, learned Senior Counsel representing Sri P.Vamshi Krishna, Advocate for the 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. 4469 of 2026

DATE: 07.04.2026

Between :

Vasireddy Lakshmi Sivanarayana and another.

....Petitioners/Accused Nos.1 and 2

AND

The State of Telangana and another

....Respondents

: O R D E R :

This Criminal Petition has been filed by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings in Crime No.237 of 2026 of Banjara Hills Police Station, Hyderabad for the offences under Sections 329(3), 324(4), 115(2), 351(2), 189(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

2. Brief facts of the case:

On 22.03.2026 at 10.00 hours respondent No.2 lodged a complaint stating that, he is the General manager & authorized representative of Rithwik Projects Private Limited, and taking care of the property since 2001, on behalf of Rithwik projects Private Limited and other land owners such as Mr. C.M Ramesh, Mr. C.M Rajesh, Smt. C.R Sridevi, Smt. C.R Prakruthi. On 22.03.2026 at

5:00 A.M some unknown mob reached the site and are trying to enter into the subject mentioned premises by threatening their security person and man handled him at H.No.8-2-269/1 & 8-2-269/2, Road No. 2, Banjara Hills, Hyderabad, belonging to Mr. C.M Ramesh, Mr. C.M Rajesh, Smt.C.R Sridevi, Smt. C.R Prakruthi and M/s. Rithwik projects Private Limited, and causing nuisance. He received the said information at 6:30 A.M. by way of a phone call from their Security and Mr. K.N.V.Phanindra mentioning the above incident and then he immediately rushed to the site location and on enquiry found that Mr. Vasireddy Lakshmi Sivanarayana and Vasireddy Nagakumar engaged Mr.Mayur along with namely 1) Tananki Taraka ram S/o Narendra Nath, 2). S.K Shanker formed a conspiracy with an illegal intention to encroach into the above said premises for the purpose of wrongful claim that the land belongs to them. He immediately informed Banjara hills police station and the concerned team from police station approached the site location and took situation into control. The above said persons have no right and valid title in the above said property but still only with an intention to grab the property, they made an attempt along with a mob and prepared everything such as concrete mixture, crane, container and iron weapons. Therefore, he prayed to take necessary action against the said persons.

3. Heard Mr. Vinod Kumar Deshpande, learned Senior Counsel, representing M/s. Joshi and Chillara Legal Associates LLP appearing on behalf of the petitioners, Mr. A.Venkatesh, learned Senior Counsel, representing Mr. P.Vamshi Krishna, learned counsel for respondent No.2 and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1-State.

4. **Submissions of learned counsel for the petitioners:**

4.1 Learned Senior Counsel submitted that the petitioners have not committed the alleged offences and they were falsely implicated in this crime. Even according to the allegations made in the complaint, the ingredients of the offences under Sections 329(3), 324(4), 115(2), 351(2), 189(2) r/w 3(5) of the BNS are not attracted and the allegations levelled in the complaint are purely civil in nature, especially the petitioners have filed suit in O.S.No.97 of 2026 before the XIV Chief Judge, City Civil Court, Hyderabad, for grant of perpetual injunction restraining the defendants therein from interfering with the suit schedule property, wherein the trial Court in I.A.No.413 of 2026 granted ad interim injunction on 05.03.2026 restraining the respondents/defendants therein from interfering with the petition schedule property and the said order is continuing. The *de-facto* complainant filed the complaint on 22.03.2026, without having any manner of right, interest over the subject property, on behalf of M/s. Rithwik Projects Private Limited.

He further submitted that the petitioners have purchased the property through registered document dated 10.05.2006 from its rightful owner by paying valuable sale consideration and since then they have been in possession and enjoyment of the said property and therefore, the question of encroachment upon the property as alleged in the complaint does not arise.

4.2 He further submitted that there are civil disputes pending between the petitioners and respondent No.2 and the petitioners filed W.P.No.21572 of 2015 questioning the action of respondent No.2/District Collector, Nampally, Hyderabad, proposing to conduct survey for localization in respect of the very same property and the said writ petition is pending, wherein the petitioners have filed W.P.M.P.No.32202 of 2015 for seeking permission to implead the proposed respondent Nos.4 to 47 as party respondents and the said application was allowed on 10.03.2026.

4.3 He further submitted that the Government filed LGC No.167 of 1999 before the Special Court under Andhra Pradesh Land Grabbing (Prohibition) Act at Hyderabad, claiming the subject property alleged in the complaint and the said LGC was dismissed on 02.03.2005. Aggrieved by the same, the Government filed W.P.No.15174 of 2005 before the erstwhile High Court of Andhra Pradesh and the same was dismissed on 26.11.2010 holding that

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the subject land in LGC is not a Government land and the said judgment was confirmed by the Hon'ble Apex Court in SLP (C) No.27316 of 2011 on 23.09.2011 and the said order has become final. Respondent No.2 filed the present complaint by giving it a criminal colour to settle the civil disputes pending before the competent Civil Court. Hence, continuation of the proceedings against the petitioners is a clear abuse of the process of law.

4.4 He further submitted that the offences levelled against the petitioners are punishable with imprisonment below seven years. The Investigating Officer without following the mandatory procedure as contemplated under Section 35(3) of the BNSS/41-A of Cr.P.C. and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar vs. State of Bihar**¹, proceeding further with the investigation and the same is contrary to law.

5. Submissions of learned Senior Counsel appearing for respondent No.2:

5.1 *Per contra*, learned Senior Counsel appearing on behalf of respondent No.2 submitted that respondent No.2, being a General Manager and authorized representative of M/s Ruthwik Projects Private Limited, filed complaint against the petitioners on 22.03.2026. In the said complaint, it is specifically mentioned that

¹ (2014) 8 SCC 273

house bearing Nos.8-2-269/1 and 8-2-269/2, Road No.2, Banjara Hills, Hyderabad, belong to Mr.C.M.Ramesh, Mr.C.M.Rajesh, Smt.C.R.Sridevi, Smt.C.R.Prakruthi and M/s. Rithwik Projects Private Limited/respondent No.2 and that on 22.03.2026, in the early hours the petitioners along with others with a conspiracy and without having any manner of right and title over the property are trying to enter into the above said property and threatened their security persons and manhandled them and caused nuisance with an intention to encroach the subject property. The above said allegations are specifically attracts the ingredients of offences levelled against the petitioners.

5.2 He further submitted that the petitioners are claiming rights over the property basing upon the Agreement of Sale-cum-General Power of Attorney and the said document does not confer any title over the subject property. The petitioners filed suit in O.S.No.97 of 2026 without impleading Mr.C.M.Ramesh, Mr.C.M.Rajesh, Smt.C.R.Sridevi, Smt.C.R.Prakruthi and M/s. Rithwik Projects Private Limited, as party defendants and obtained ad interim injunction order behind their back and basing on the said ex-parte ad interim injunction order, they are trying to encroach upon the subject property. Similarly, the petitioners without impleading Mr.C.M.Ramesh, Mr.C.M.Rajesh, Smt.C.R.Sridevi, Smt.

C.R.Prakruthi and M/s. Rithwik Projects Private Limited, owners of the property, as party respondents filed the writ petition.

5.3 He also submitted that the petitioners claiming rights from their vendors from M/s. Anand Prabath Co-op. Housing Society Limited and the said Society had purchased 21 plots out of 49 plots in the layout and the petitioners have purchased plot bearing No.29 and 30 from the said Society. In LGC No.167 of 1999, the said Society claimed Ac.20-00, whereas on the ground an extent of Ac.7-29 guntas equivalent to 31248 square meters of the land is only available. The property claimed by the petitioners is no more in existence and based on the judgment in LGC, Writ Petition and SLP(C), the petitioners are not entitled to claim any property, especially they are not the parties in the said proceedings. Basing on the pendency of the civil suits and the writ petition, the petitioners are not entitled to seek quashing of the proceedings and the same is nothing to do with the present criminal petition, especially there are specific allegations levelled against the petitioners, and the real truth will come out during the course of investigation. Hence, the petitioners are not entitled to seek for quashing of the FIR at the threshold.

5.4 He further submitted respondent No.2 is not having any objection if the Investigating Officer follows the procedure as

contemplated under Section 35(3) of the BNSS/41-A of Cr.P.C. and the guidelines issued by the Hon'ble Apex Court in **Arnesh** (*supra*).

6. Submissions of the learned Additional Public Prosecutor:

6.1 Learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioners. The said allegations attract cognizable offences and require investigation. Hence, the petitioner is not entitled to seek for quashing the proceedings at the threshold.

Analysis:

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that respondent No.2, who is General Manager and authorized representative of M/s. Rithwik Projects Private Limited, filed complaint on 22.03.2026, wherein it is specifically stated that Mr.C.M.Ramesh, Mr.C.M.Rajesh, Smt.C.R.Sridevi, Smt.C.R.Prakruthi and M/s. Rithwik Projects Private Limited, are owners of the subject property. On 22.03.2026 at 5.00 A.M. the petitioners along with others without having any manner of right are trying to enter upon the subject property and caused nuisance. The petitioners along with one Mr.Mayur, Mr.Tananki Tarakaram, Mr.S.K.Shanker, formed a conspiracy illegally to encroach upon the

subject property for the purpose of claiming the land, as it belong to them. Whereas the petitioners are claiming rights over the subject property through Agreement of sale-cum-General Power of Attorney dated 10.05.2006.

8. The record reveals that the petitioners have filed suit in O.S. No.97 of 2026 for grant of perpetual injunction against M/s. Anand Prabath Cooperative Housing Society Limited and R.R.Pasura Constructions LLP, restraining them from interfering with the suit schedule property. Along with the said suit, the petitioners have filed I.A. No.413 of 2026 for grant of ad interim injunction and the trial court had granted ad interim injunction on 05.03.2026 restraining the respondents/defendants therein from interfering with the petition schedule property. In the said suit, neither the *de-facto* complainant nor Mr.C.M.Rajesh, Smt.C.R.Sridevi, Smt.C.R.Prakruthi and M/s. Rithwik Projects Private Limited were made as party defendants.

9. The specific case of respondent No.2 is that the petitioners under the guise of ad interim injunction are trying to occupy the subject property without having any manner of right, especially the property claimed by the petitioners is not in existence and the identification of property of the petitioners is also in dispute, are concerned, this court is not inclined to deal with the said issues in

the present criminal petition, especially the petitioners have filed suit in O.S NO. 97 of 2026 and the same is pending.

10. The scope of the present criminal petition is very limited. Whether the petitioners are tried to enter upon the subject property, as mentioned in the complaint illegally with an intention to encroach the same or not and thereafter the security persons manhandled and caused nuisance and the said allegations are true or not, has to be revealed during the course of investigation, especially the investigation is at the threshold. The allegations levelled in the complaint discloses *prima facie* commission of cognizable offences and the grounds raised by the petitioners are disputed questions of fact, which cannot be examined and adjudicated in a proceedings under Section 528 of the BNSS.

11. In **A.M. Mohan v. State represented by SHO and another**², wherein the Hon'ble Supreme Court relying upon the various judgments including the principle laid down in **G. Sagar Suri and another v. State of U.P. and others**³, held that criminal proceedings cannot be permitted to continue where the dispute is predominantly civil in nature and the criminal law is invoked only to exert pressure or settle civil scores. The Court observed that mere breach of contractual obligations or disputes arising out of

² (2024) 12 Supreme Court Cases 181

³ (2000) 2 SCC 636

commercial or property transactions do not, by themselves, constitute criminal offences unless the essential ingredients of the alleged penal provisions are clearly made out. It was further held that giving a criminal colour to a purely civil dispute amounts to abuse of the process of law, and in such cases, the High Court is justified in exercising its inherent jurisdiction under Section 482 Cr.P.C. to quash the proceedings in order to secure the ends of justice and prevent misuse of the criminal justice system.

12. The judgment relied upon by the learned counsel for the petitioners in **A.M. Mohan** (*supra*) is not applicable to the facts and circumstances of the present case, as the allegations are not confined to a civil dispute. In the complaint, it is specifically alleges criminal trespass, illegal intention to encroach into the subject property mentioned in the complaint for the purpose of claiming the subject property as belongs to them. The said allegations, if taken at face value, *prima facie* disclose cognizable offences.

13. In **Mohammad M. Khalid, Hyderabad and two others v. Public Prosecutor, Hyderabad and another (Crl.P.No.6378 of 2015, dated 18.11.2025)**, this Court at paragraph No.10, held as follows:

"It is relevant to mention that in **K.Jagadish v. Udaya Kumar G.S.**⁴, the Hon'ble Apex Court has reaffirmed the well-settled principle that the same set of facts may give rise to both civil and criminal proceedings, and that availing civil remedy does not bar the initiation of criminal prosecution. The Court relied heavily on precedents like **Kamaladevi Agarwal v. State of W.B.**⁵ and **Trisuns Chemical Industry v. Rajesh Agarwal**⁶, to reiterate that criminal proceedings cannot be quashed merely because a civil dispute is also pending between the parties. In *Kamaladevi Agarwal*, it was categorically held that the pendency of civil proceedings does not justify quashing criminal proceedings, especially where the allegations disclose a *prima facie* criminal offence. The Court observed that many acts of cheating occur in the context of commercial or financial transactions, and such a "civil profile" does not strip the act of its "criminal outfit." Similarly in **S.N. Vijayalakshmi v. State of Karnataka**⁷, the Hon'ble Apex Court has reiterated the same principle, stating that civil and criminal proceedings may, in law, proceed simultaneously, a criminal prosecution can be sustained only where there is a clear presence of criminal intent at the inception of the transaction."

14. The principle laid down in **Mohammad M. Khalid** *supra* squarely applies to the facts of the present case. The complaint contains specific allegations of criminal trespass, and is not confined to a mere civil dispute between the parties. The allegations disclose *prima facie* commission of cognizable offences, and the

⁴ (2020) 14 SCC 552

⁵ (2002) 1 SCC 555

⁶ (1999) 8 SCC 686

⁷ 2025 SCC OnLine SC 1575

issues raised by the petitioners involve disputed questions of fact, the proceedings in a criminal case cannot be quashed at the crime stage while exercising the powers under section 482 Cr.P.C./528 of the BNSS.

15. It is relevant to mention that in **Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra**⁸, the power to quash an F.I.R. is to be exercised sparingly and only in rare and exceptional cases, since F.I.R. is not an encyclopedia.

16. In so far as the other contention raised by the learned Senior Counsel that the offences levelled against the petitioners are punishable with imprisonment below seven years and the Investigating Officer without following the mandatory procedure prescribed under Section 35(3) of the BNSS, the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**⁹, is proceeding with the investigation and the same is contrary to law, is concerned, learned Senior Counsel appearing on behalf of respondent No.2 fairly submitted that he has no objection to issue necessary direction to the Investigating Officer to follow the procedure prescribed under Section 35(3) of the BNSS and the guidelines issued by the Apex Court in **Arnesh Kumar (supra)**.

⁸ (2021) 19 SCC 401

⁹ (2014) 8 SCC 273

17. For the foregoing reasons as well as the precedent decisions, this Court is of the considered view that the present case does not fall under rarest of rare cases to quash the proceedings against the petitioners at this stage. However, taking into consideration the peculiar facts and circumstances of the case and the offences levelled against the petitioners are punishable with imprisonment below seven years, the Investigating officer is directed to follow the due procedure prescribed under the provisions of the BNSS, and the guidelines issued by the Apex Court in **Arnesh Kumar** (*supra*). It is needless to mention that the petitioners are entitled to put forth their grievances before the Investigating officer after receiving the notice under section 35(3) of BNSS by raising all the pleas which are available to them and they are also entitled to produce the documents which are in their possession.

18. The criminal petition is disposed of accordingly.

Miscellaneous applications, pending if any, shall stand closed.

SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The Chief Judicial Magistrate At Hyderabad.
2. The Station House Officer, Banjara Hills Police Station, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to M/s.Joshi and Chillara Legal Associates LLP, Advocate [OPUC]
5. One CC to Sri P.Vamshi Krishna, Advocate [OPUC]
6. Two CD Copies

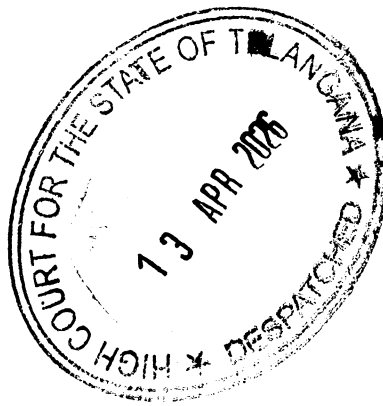
GNK /PSL

BM

CC Today

HIGH COURT

DATED: 07/04/2026



ORDER

CRLP.No.4469 of 2026

DISPOSING THE CRIMINAL PETITION

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