APHC010051632023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3604]**
(Special Original Jurisdiction)

THURSDAY, THE 15th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 877/2023

Between:

1. BADAMALA NAGENDRA @ NAGUR VALI, S/O.LATE B.RAMUDU, AGE. 58YRS, R/O. D.NO.7-154, PRAKASH ROAD, ANANTHAPURAMU TOWN ANANTHAPURAM DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF A.P, AMARAVTHI.
2. CHENNAKKI POLE KUMAR, S/O C.RAMUDU, AGE.35YRS, R/O D.NO.28-2-93-3, VENKATESWARA COLONY, ANANTHAPURAM TOWN. ANANTHAPUR DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Courtpleased to quash the entire proceedings in C.C.No.255 of 2020 on the file of The Court Of Addl.Judicial First Class Magistrate, Ananthapuram, and pass

IA NO: 1 OF 2023

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased pleased to stay of .all further proceedings including appearance of the petitioner in C.C.No.255 of 2020 on the file of The Court Of Addl.Judicial First Class Magistrate, Ananthapuramu, pending disposal of the main Criminal Petition and pass

Counsel for the Petitioner/accused:

1. NAGESWARA RAO V

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 877 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner/accused seeking to quash the proceedings against him in C.C. No. 255 of 2020 on the file of the Additional Judicial Magistrate of First Class, Ananthapuramu, for the offence punishable under Section 420 of the Indian Penal Code, 1860 (IPC).

2. The case of the petitioner, in brief, is as follows:

The petitioner contends that he neither directly nor indirectly received any amount from respondent No. 2 or from the other witness, Sri A. Naresh, nor induced them by promising to secure employment in the Railway Department. According to him, respondent No. 2 and others trespassed into his house and compelled him to sign blank stamp papers. Owing to disputes of a civil nature, the petitioner instituted O.S. No. 298 of 2017 against respondent No. 2, the said A. Naresh and seven others, seeking a decree of perpetual injunction. The suit is stated to be pending before the Court of the Principal Civil Judge (Junior Division), Ananthapuramu. The petitioner further states that, as respondent No. 2 and others allegedly involved the police in the civil dispute, he filed W.P. No. 19358 of 2017, which was allowed with a direction to the police not to interfere in the civil dispute. He submits that even if the allegations in the charge sheet are taken at face value, there is no material showing that he received money from respondent No. 2 or A. Naresh. He therefore contends that continuation of the proceedings would amount to an abuse of the process of law.

3. Heard Sri V. Nageshwar Rao, learned counsel for the petitioner, and Smt. K. Priyanka Lakshmi, learned Assistant Public Prosecutor appearing for respondent No. 1. Though notice was served on respondent No. 2, none appeared on his behalf.

4. The record shows that, on the basis of the report lodged by respondent No. 2, Crime No. 163 of 2019 was registered for the offence punishable under Section 420 IPC. Upon completion of the investigation, the investigating officer filed a charge sheet against the petitioner for the said offence. The allegations in the report are that the petitioner received amounts from respondent No. 2 and others on the promise of securing employment for them in the Railway Department, but failed to provide such employment. The statements of the witnesses recorded under Section 161 Cr.P.C. are stated to support these allegations. It is not in dispute that the petitioner instituted O.S. No. 298 of 2017 against respondent No. 2 and A. Naresh, seeking perpetual injunction, and also filed W.P. No. 19358 of 2017. The defendants in the civil suit are stated to be the persons who figure as victims in the present case. Learned counsel for the petitioner submits that the criminal complaint was lodged falsely, owing to the civil dispute and with a view to pressurise the petitioner to withdraw the suit concerning the land situated at House No. 5-628, Ananthapuramu. However, the existence of a civil dispute, by itself, does not warrant quashing of criminal proceedings where the allegations and the material collected during investigation prima facie disclose the commission of an offence. At this stage, this Court cannot conduct a mini-trial or assess the credibility of the witnesses. The petitioner’s defence, including the allegation of mala fides and the effect of the pending civil proceedings, involves matters that may be tested during trial.

5. The principles governing the exercise of inherent jurisdiction under Section 482 Cr.P.C. are well settled. The High Court must ordinarily consider whether the allegations in the complaint or charge sheet, taken at face value and accepted in their entirety, disclose the ingredients of an offence. The Court should not undertake an assessment of the reliability or genuineness of the allegations at this stage. The power to quash criminal proceedings is extraordinary and must be exercised sparingly, with due circumspection, to prevent abuse of the process of any court or otherwise to secure the ends of

justice. In ***State of Haryana and Others v. Bhajan Lal and Others***[1], the Hon'ble Supreme Court illustrated categories of cases in which such power may be exercised, including the following:

> "Where the allegations made in the first information report or the complaint, even if taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the accused."
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> "Where the allegations in the first information report and the other materials, if any, accompanying it do not disclose a cognizable offence justifying investigation by police officers under Section 156(1) of the Code, except under an order of a Magistrate within the purview of Section 155(2) of the Code."
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> "Where the uncontroverted allegations made in the first information report or complaint and the evidence collected in support thereof do not disclose the commission of any offence or make out a case against the accused."
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> "Where the allegations in the first information report do not constitute a cognizable offence but constitute only a non-cognizable offence, and investigation is undertaken by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code."
>
> "Where the allegations made in the first information report or complaint are so absurd and inherently improbable that, on the basis thereof, no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused."
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> "Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act to the institution or continuance of the criminal proceedings, or where there is a specific provision in the Code or the concerned Act providing efficacious redress for the grievance of the aggrieved party."
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> "Where the criminal proceedings are manifestly attended with mala fides and/or where the proceedings are 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."

6. In the present case, the allegations in the report and the statements of the witnesses recorded during investigation, as referred to in the charge sheet, prima facie indicate that amounts were allegedly received by the petitioner on the promise of securing employment in the Railway Department. Whether the amounts were in fact paid, whether the petitioner made the alleged representations, and whether the complaint was motivated by the civil dispute are matters that require appreciation of evidence. The material

[1] 1992 Supp (1) SCC 335

presently available does not justify a conclusion that the allegations, even if accepted at face value, fail to disclose an offence under Section 420 IPC. Nor is it appropriate, in proceedings under Section 482 Cr.P.C., to determine disputed questions of fact or to accept the petitioner's defence in preference to the prosecution case. The petitioner will be at liberty to raise all permissible defences before the trial court, which shall decide the case independently on the evidence adduced, without being influenced by any observations made in this order. In these circumstances, this Court finds no ground to quash the proceedings.

7. Accordingly, the Criminal Petition is dismissed.

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

SUNITHA GANDHAM, J

15.10.2026

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