

IN THE HIGH COURT FOR THE STATE OF TELANGANA, HYDERABAD

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CRIMINAL PETITION No. 501 OF 2025

Between:

1. D.Suresh Babu, S/o. Late D. Rama Naidu, Age: 65 years, Occupation: Film Producer, R/o. Plot Nos. 27 & 28, Filmnagar, Phase-II, Jubilee Hills, Hyderabad.
2. D.Venkatesh, S/o. Late D. Rama Naidu, Age: 60 years, Occu: Film Actor, R/o. Sy.No.104/A, Pappalaguda, Hyderabad.
3. Daggupati Rama Naidu @ Rana, S/o. D.Suresh Babu, Age: 40 years, Occu: Cine Artist, R/o. Plot No.29, Road No.1, Jubilee Hills, Hyderabad.
4. D.Abiram, S/o. D.Suresh Babu, Age: 40 years, Occu: Film Producer, R/o.Plot Nos.27 & 28, Filmnagar, Phase-II, Jubilee Hills, Hyderabad.
5. Gaddam Vishwanatham, S/o.Vijaya Ramakrishna, Age: 45 years, Occu: Accountant, R/o. Rama Naidu Studios, Film Nagar, Jubilee Hills, Hyderabad.

Petitioners/Accused Nos.1 to 5

VERSUS

1. The State of Telangana, Represented by its Public Prosecutor, High Court of Judicature at Hyderabad.
2. K.Nandukumar, S/o. Shankarappa, Age: 45 years, Occu: Business, R/o. Flat No.C-603, Aditya Hill Top Apartments, Veterinary Colony, Shaikpet, Filmnagar, Hyderabad.

Respondents

ORDER PRONOUNCED ON: 30.07.2026

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

1. Whether Reporters of Local newspapers may be allowed to see the Judgment? : -
2. Whether the copies of judgment may be Marked to Law Reporters/Journals? : Yes
3. Whether His Lordship wishes to see the fair copy of the Judgment? : Yes

N. TUKARAMJI, J

* THE HON'BLE SRI JUSTICE N. TUKARAMJI

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Respondents

! Counsel for the petitioners

: Mr. T.Raghuram, learned counsel for the petitioners.

^Counsel for respondents

: Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor, appearing for respondent No.1-State.

Mr. Venugopal Julakanti, learned counsel for respondent No.2-complainant.

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? Cases referred

Mehmood Ul Rehman v. Khazir Mohammad Tunda, (2015) 12 SCC 420;
V.Y. Jose v. State of Gujarat, (2009) 3 SCC 78;
Binod Kumar v. State of Bihar, (2014) 10 SCC 663;
A. Vidyadhar Rao v. K.V.S. Narayana Rao, 2012 LawSuit (AP) 1051;
Dr. Niyamathulla Khan v. State, 2023 (2) ALD (Criminal) 866 (AP);
Vemuri Sambasiva Prasad v. Allu Srinivasa Rao, 2023 (2) ALD (Crl.) 591 (AP);
Urmila Devi v. Balram (Criminal Appeal No. 3300 of 2025, arising out of SLP (Crl.) No. 10251 of 2019);
Mohd. Ibrahim v. State of Bihar, (2009) 8 SCC 751;
Indian Oil Corporation v. NEPC India Ltd., (2006) 6 SCC 736;
Mehmood Ul Rehman v. Khazir Mohammad Tunda, (2015) 12 SCC 420;
Niharika Infrastructure Pvt. Ltd. v. State of Maharashtra, (2021)19 SCC 401;
State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335.

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

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No. 501 OF 2025

DATE: 30.07.2026

Between :

D. Suresh Babu and four others.

... Petitioners/Accused Nos. 1 to 5

AND

The State of Telangana, Represented by its Public Prosecutor,
High Court for the State of Telangana at Hyderabad, and
another.

... Respondents.

ORDER

This Criminal Petition is filed under Section 528 of *Bharatiya Nagarik Suraksha Sanhita, 2023* (for short 'BNSS, 2023'), seeking quashment of the proceedings against the petitioners in C.C. No. 395 of 2024 on the file of the learned XVII Additional Chief Metropolitan Magistrate, City Criminal Court, Nampally, Hyderabad.

2. The petitioners are arrayed as Accused Nos. 1 to 5 in the aforesaid Calendar Case arise out of private complaint filed by respondent No.2 alleging offences under Sections 448, 452, 380, 506, 120-B of the *Indian Penal Code, 1860* (for short 'IPC').

3. I have heard Mr. T. Raghuram, learned counsel for the petitioners; Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor, appearing for respondent No.1-State and Mr. Venugopal Julakanti, learned counsel for respondent No.2-complainant.

4. The criminal case arises from a private complaint filed under Section 200 of the *Code of Criminal Procedure*, 1973 (CrPC), wherein it is alleged that the petitioners, in conspiracy with the officials of the Greater Hyderabad Municipal Corporation (GHMC), facilitated the demolition of unauthorized constructions allegedly raised by the complainant on leased premises. It is further alleged that the petitioners trespassed into the property, committed theft of movable articles, criminally intimidated the complainant and his family members, and entered into a criminal conspiracy. Upon consideration of the complaint and the sworn statements of the complainant and the witnesses, the learned Magistrate took cognizance of the offences punishable under Sections 448, 452, 380, 506, and 120-B of the IPC and issued summons to the petitioners.

5.1. Learned counsel for the petitioners contends that the entire dispute between the parties is essentially civil in nature, arising out of issues relating to leasehold rights, possession, eviction, and demolition of the subject property, and that the complainant has deliberately given a criminal colour to what is otherwise a purely civil dispute. It is submitted that the allegations contained in the private complaint, even if taken at their face value, do not

disclose the essential ingredients of the alleged offences, and that there is absolutely no prima facie material connecting the petitioners with the alleged acts of criminal trespass, theft, criminal intimidation, or criminal conspiracy. Learned counsel further submits that the complaint was lodged after an unexplained delay of nearly one year from the date of the alleged incident, which, by itself, casts a serious doubt on the veracity and bona fides of the allegations. It is further contended that the complainant was in judicial custody during the relevant period when the alleged occurrence is stated to have taken place.

5.2. Referring to the allegations as inherently improbable, learned counsel further argues that, although the complaint attributes the demolition of the structure to the officials of the GHMC, none of the concerned officials have been arrayed as accused, thereby exposing the falsity of the allegations levelled against the petitioners. Learned counsel further submits that the complainant has already initiated multiple civil and criminal proceedings in respect of the very same property and subject matter, which clearly demonstrates an abuse of the process of law with a view to harassing the petitioners and exerting pressure upon them in the pending civil disputes. It is also contended that no stolen property has been identified or recovered, and that the allegations of theft and criminal intimidation are wholly unsupported by any material. According to the petitioners, the learned Magistrate mechanically took cognizance of the complaint and issued

process without proper application of judicial mind and in the absence of sufficient prima facie material. It is, therefore, submitted that the allegations are vague, inherently improbable, and malicious, and that the continuation of the criminal proceedings would amount to an abuse of the process of the Court.

5.3. Learned counsel for the petitioners placed reliance on the judgment of *Mehmood Ul Rehman v. Khazir Mohammad Tunda*, (2015) 12 SCC 420, wherein the Hon'ble Supreme Court held that a Magistrate cannot mechanically issue process on a private complaint and that the order taking cognizance must disclose due application of judicial mind to the material placed before the Court. Reliance is also placed on *V.Y. Jose v. State of Gujarat*, (2009) 3 SCC 78, and *Binod Kumar v. State of Bihar*, (2014) 10 SCC 663, wherein it was held that a mere breach of contractual obligations or disputes involving civil rights cannot, by itself, give rise to criminal liability, and that criminal law cannot be invoked as a means to settle civil disputes or enforce contractual claims. Learned counsel further relied upon the judgment in *A. Vidyadhar Rao v. K.V.S. Narayana Rao*, 2012 LawSuit (AP) 1051, wherein the High Court of Andhra Pradesh held that disputes relating to title or possession of immovable property ordinarily fall within the domain of the Civil Courts and that criminal proceedings cannot be permitted unless the essential ingredients of the alleged criminal offences are clearly made out. Reliance is also placed on the judgments in *Dr. Niyamathulla Khan v.*

State, 2023 (2) ALD (Criminal) 866 (AP), and *Vemuri Sambasiva Prasad v. Allu Srinivasa Rao*, 2023 (2) ALD (Crl.) 591 (AP), wherein it was held that the High Court is empowered to exercise its inherent jurisdiction to prevent abuse of the process of law, particularly where criminal proceedings are initiated in respect of disputes that are essentially civil in nature. Finally, reliance is placed on the judgment of the Hon'ble Supreme Court in *Urmila Devi v. Balram* (Criminal Appeal No. 3300 of 2025, arising out of SLP (Crl.) No. 10251 of 2019), wherein it was reiterated that, at the stage of issuance of process, the Court is required to examine whether the complaint and the material on record disclose a prima facie case.

5.4. On the aforesaid grounds and in view of the settled legal position, learned counsel for the petitioners seeks quashment of the proceedings in the Calendar Case.

6.1. Learned Additional Public Prosecutor and learned counsel for respondent No.2-complainant opposed the criminal petition and submitted that the petition is wholly devoid of merit and has been filed only with a view to avoid criminal prosecution despite the existence of ample prima facie material disclosing the commission of cognizable offences. It is contended that valid registered lease deeds were executed in favour of *M/s. W3 Hospitality Services Private Limited* and that the leasehold rights continued to subsist when the petitioners allegedly interfered with the respondent's lawful possession.

6.2. Learned counsel for respondent No.2 submits that respondent No.2 had instituted O.S. Nos. 930 and 1512 of 2018 seeking perpetual injunctions against the petitioners, wherein the competent Civil Courts granted interim injunction orders protecting his possession, which continued to remain in force. It is further contended that, during the subsistence of the said injunction orders, the petitioners, along with anti-social elements, unlawfully entered the premises, broke open the doors, removed valuable articles, and forcibly dispossessed respondent No.2 without obtaining a decree of eviction or following the due process of law. Learned counsel further submits that the petitioners themselves instituted O.S. Nos. 282 and 283 of 2020 seeking eviction and obtained *status quo* orders restraining sub-letting. However, in the affidavits filed in the interlocutory applications and Civil Revision Petitions, the petitioners admitted that they had regained possession of the property following the demolition carried out by the GHMC. According to respondent No.2-complainant, these admissions clearly corroborate the allegations made in the complaint and establish that the petitioners took possession of the property without obtaining a decree of eviction from the competent Civil Court.

6.3. It is further submitted that the petitioners have taken inconsistent stands regarding the manner in which possession was obtained, thereby giving rise to disputed questions of fact that can be adjudicated only upon appreciation of evidence during trial. Learned counsel also contends that the

allegation of sub-letting is wholly unsupported, as the alleged sub-tenants were never impleaded in the eviction suits, despite the petitioners having obtained injunction orders restraining sub-letting. It is further argued that the learned Magistrate, upon consideration of the complaint, the sworn statements, and the supporting documentary material, found sufficient prima facie grounds to take cognizance of the offences and issue process, and that such an order does not warrant interference in the exercise of inherent jurisdiction under Section 482 CrPC. It is submitted that the mere pendency of civil proceedings does not bar criminal prosecution where the allegations disclose independent criminal offences, such as criminal trespass, and that the delay in lodging the complaint is a matter of evidence to be considered during trial and cannot constitute a ground for quashing the proceedings at the threshold.

6.4. It is also contended that mere ownership of the property does not confer upon the petitioners the right to dispossess a person in settled possession otherwise than by following the due process of law. According to the respondent-complainant, the witness statements, photographs, video recordings, and the admissions made by the petitioners constitute sufficient prima facie material warranting the continuation of the criminal proceedings. On the aforesaid grounds, respondent No.2 prays that the criminal petition is liable to be dismissed.

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

8. It is well settled that, at the stage of taking cognizance under Sections 200 and 204 of the CrPC, the High Court is not expected to undertake a meticulous appreciation of the evidence or adjudicate disputed questions of fact. The limited scope of judicial scrutiny at this stage is confined to examining whether the allegations contained in the complaint, the sworn statements recorded under Sections 200 and 202 Cr.P.C., and the material placed before the learned Magistrate, prima facie disclose the commission of cognizable offences warranting issuance of process and a full-fledged trial. At this preliminary stage, the Court does not weigh the probative value of the evidence nor determine the likelihood of conviction, as those are matters exclusively within the domain of the trial Court upon appreciation of evidence.

9. The principal contention advanced on behalf of the petitioners is that the dispute between the parties is purely civil in nature, arising out of leasehold rights, possession, demolition of structures and eviction, and therefore, the criminal proceedings deserve to be quashed. There can be no quarrel with the propositions of law laid down by the Hon'ble Supreme Court in *V.Y. Jose v. State of Gujarat*, (2009) 3 SCC 78, and *Binod Kumar v. State of Bihar*, (2014) 10 SCC 663, wherein it was held that criminal law cannot be permitted to be used as an instrument for enforcing civil rights or contractual

obligations, and that disputes which are essentially civil in nature should not ordinarily be given a criminal colour. Likewise, this Court, in *Dr. Niyamathulla Khan v. State*, 2023 (2) ALD (Crl.) 866 (AP), and *Vemuri Sambasiva Prasad v. Allu Srinivasa Rao*, 2023 (2) ALD (Crl.) 591 (AP), reiterated that the inherent jurisdiction under Section 482 Cr.P.C. is intended to prevent abuse of the process of law and to secure the ends of justice where continuation of criminal proceedings would be wholly unwarranted.

10. However, it is equally well settled that the mere existence or pendency of civil proceedings between the parties does not, by itself, furnish a ground for quashing criminal proceedings. Where the allegations contained in the complaint independently disclose the essential ingredients of cognizable criminal offences, the existence of a parallel civil dispute cannot operate as a legal bar to criminal prosecution. In *Mohd. Ibrahim v. State of Bihar*, (2009) 8 SCC 751, the Hon'ble Supreme Court observed that the mere fact that a transaction has civil consequences does not preclude criminal action if the necessary ingredients of the alleged criminal offences are otherwise disclosed. Similarly, in *Indian Oil Corporation v. NEPC India Ltd.*, (2006) 6 SCC 736, the Hon'ble Supreme Court held that civil and criminal proceedings may coexist where the factual allegations constitute both civil wrongs and criminal offences, and that criminal proceedings cannot be quashed merely because the dispute also gives rise to civil remedies.

11. In the present case, respondent No.2 has specifically alleged that, notwithstanding the subsistence of interim injunction orders protecting his possession, the petitioners unlawfully entered the leased premises, broke open the doors, removed movable articles, dispossessed the occupants and took possession of the property without obtaining any decree of eviction from a competent Civil Court or following the procedure established by law. The complainant seeks to substantiate these allegations by relying upon the sworn statements recorded before the learned Magistrate, documentary material, photographs, video recordings, and the alleged admissions made by the petitioners in connected civil proceedings acknowledging that possession of the property was regained after demolition undertaken by the GHMC. Whether these allegations are ultimately true; whether the admissions relied upon by the complainant constitute evidence of unlawful dispossession; whether the complainant was in judicial custody during the relevant period; whether the petitioners actively participated in the alleged acts; and whether the demolition was undertaken exclusively by the municipal authorities in discharge of their statutory functions are all disputed questions of fact requiring appreciation of oral and documentary evidence. Such issues cannot appropriately be adjudicated in proceedings under Section 482 Cr.P.C., as doing so would necessarily require the Court to evaluate the evidentiary value of the rival versions, which is impermissible at this stage.

12. The petitioners have also challenged the order taking cognizance on the ground that the learned Magistrate mechanically issued process without proper application of judicial mind. The principle enunciated by the Hon'ble Supreme Court in *Mehmood Ul Rehman v. Khazir Mohammad Tunda*, (2015) 12 SCC 420, undoubtedly mandates that an order issuing process on a private complaint must demonstrate that the Magistrate has applied his judicial mind to the allegations and the material produced in support thereof. The Hon'ble Supreme Court observed that summoning an accused is a serious matter and that the Magistrate is duty-bound to record satisfaction that sufficient grounds exist for proceeding against the accused. Undoubtedly, if an order taking cognizance is merely a mechanical reproduction of the complaint, without any consideration of the material produced under Sections 200 and 202 Cr.P.C., such an order may warrant interference in exercise of the inherent jurisdiction of this Court. However, a perusal of the impugned order in the present case indicates that the learned Magistrate considered the averments contained in the complaint, the sworn statements recorded during the preliminary enquiry, and the supporting material placed before the Court before arriving at the requisite prima facie satisfaction. Whether such material is ultimately sufficient to establish the guilt of the accused is a matter for trial and cannot be examined in proceedings under Section 482 Cr.P.C.

13. The further contentions advanced by the petitioners regarding the delay in lodging the complaint, the non-impleadment of GHMC officials as accused, the alleged non-recovery of the stolen articles, inconsistencies in the versions of the parties, and the alleged mala fides underlying the institution of the complaint are, in the opinion of this Court, essentially matters of defence. These contentions necessarily require appreciation of evidence and adjudication upon disputed factual issues, which cannot be conclusively determined at the threshold while exercising the inherent jurisdiction under Section 482 Cr.P.C. Likewise, the plea that the complainant was in judicial custody during the relevant period, or that the petitioners were merely exercising their proprietary rights over the property, raises questions requiring examination of evidence during trial. Such disputed issues cannot be adjudicated on the basis of affidavits or rival submissions in proceedings seeking quashing of criminal prosecution.

14. In *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335, the Hon'ble Supreme Court authoritatively laid down the well-known illustrative categories in which criminal proceedings may be quashed in exercise of inherent jurisdiction. It was categorically observed that the power under Section 482 Cr.P.C. is extraordinary in nature and must be exercised sparingly, carefully and only in the rarest of rare cases where the allegations do not disclose any offence, are inherently absurd or improbable, or where continuation of prosecution would amount to abuse of the process of law.

Similarly, in *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra*, (2021) 19 SCC 401, the Hon'ble Supreme Court reiterated that the High Court, while exercising jurisdiction under Section 482 Cr.P.C., should not conduct a mini trial or evaluate the correctness of the allegations, and that where the complaint discloses a prima facie offence, criminal proceedings ordinarily ought not to be interdicted.

15. Applying the aforesaid settled principles to the facts of the present case, this Court finds that the complaint contains specific allegations relating to unlawful dispossession, criminal trespass, removal of movable articles, criminal intimidation and criminal conspiracy. These allegations are supported, at least prima facie, by the sworn statements recorded during the enquiry and the documentary material produced before the learned Magistrate. Whether the prosecution ultimately succeeds in proving these allegations is a matter to be decided after a full-fledged trial upon appreciation of evidence. At this stage, it cannot be said that the allegations are so absurd, inherently improbable or wholly devoid of factual foundation as to warrant quashing of the proceedings.

16. The dispute between the parties undoubtedly possesses civil overtones arising out of competing claims relating to leasehold rights and possession. Nevertheless, merely because civil remedies have also been invoked cannot, by itself, extinguish criminal liability where the complaint

independently discloses the commission of cognizable offences. Since the complaint, the sworn statements and the supporting material disclose a prima facie case warranting further enquiry, and as several disputed questions of fact arise for adjudication during trial, this Court is not inclined to exercise its inherent jurisdiction under Section 482 Cr.P.C. to quash the proceedings at the threshold. The petitioners shall, however, be at liberty to raise all factual and legal defences available to them before the trial Court, which shall consider and decide the matter independently on the basis of the evidence adduced during trial, uninfluenced by any observations made in this order.

17. Accordingly, the Criminal Petition is dismissed. The proceedings in C.C. No.395 of 2024 pending on the file of the learned XVII Additional Chief Metropolitan Magistrate, City Criminal Court, Nampally, Hyderabad, shall proceed in accordance with law uninfluenced by any of the observations made in this order, which are confined solely to the adjudication of the present petition under Section 482 Cr.P.C. Pending miscellaneous applications, if any, shall stand closed.

N.TUKARAMJI, J

Date: 30.07.2026

Note: LR copy to be marked.

B/o.
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