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Date of pronouncement : 15.06.2026

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HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

CRIMINAL PETITION Nos: 1762 & 1763 of 2021

Crl.P.No.1762 of 2021

Between:

- 1.NARA CHANDRA BABU NAIDU, S/O KHARJURA NAIDU, AGED ABOUT 71 YEARS, R/O KARAKATTA ROAD, UNDAVALLI VILLAGE, TADEPALLI MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH STATE.

...PETITIONER/ACCUSED

AND

- 1.STATE OF ANDHRA PRADESH, THROUGH STATION EXECUTIVE OFFICER, CID PS, A.P. AMARAVATHI, MANGALAGIRI, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AMARAVATHI.
- 2.ALLA RAMA KRISHNA REDDY, S/O LATE DASARATHA RAMI REDDY, MEMBER OF LEGISLATIVE ASSEMBLY, MANGALAGIRI ASSEMBLY CONSTITUENCY, NEAR AUTO NAGAR, GOWTHAMABUDDHA ROAD, MANGALAGIRI, GUNTUR DISTRICT - 522 503, ANDHRA PRADESH.

...RESPONDENT/COMPLAINANT(S):

Crl.P.No.1763 of 2021

Between:

- 1.PONGURU NARAYANA, S/O LATE SUBBARAMAIAH, AGED 63 YEARS, R/O D.NO.16-11-540, HARANADHAPURAM, 1ST LANE, NELLORE, ANDHRA PRADESH STATE.

...PETITIONER/ACCUSED

AND

- 1.THE STATE OF ANDHRA PRADESH, THROUGH STATION EXECUTIVE OFFICER, CID PS, AP, AMARAVATHI, MANGALAGIRI, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF

ANDHRA PRADESH AT AMARAVATI

2. ALLA RAMA KRISHNA REDDY, S/O LATE DASARADHA RAMI REDDY
MEMBER OF LEGISLATIVE ASSEMBLY MANGALAGIRI ASSEMBLY
CONSTITUENCY, NEAR, AUTO NAGAR, GOWTHAMBUDHA ROAD,
MANGALAGIRI, GUNTUR DISTRICT-522503, AP

...RESPONDENT/COMPLAINANT(S):

DATE OF ORDER PRONOUNCED : 15.07.2026

SUBMITTED FOR APPROVAL:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

- | | |
|---|--------|
| 1. Whether Reporters of Local Newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copy of Judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether His Lordship wish to see the
fair copy of the Judgment? | Yes/No |

Dr. Y. LAKSHMANA RAO, J

*** THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**

+ CRIMINAL PETITION Nos: 1762 & 1763 of 2021

% 15.07.2026

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REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
 ANDHRA PRADESH AT AMARAVATI

2. ALLA RAMA KRISHNA REDDY, S/O LATE DASARADHA RAMI REDDY
 MEMBER OF LEGISLATIVE ASSEMBLY MANGALAGIRI ASSEMBLY
 CONSTITUENCY, NEAR, AUTO NAGAR, GOWTHAMBUDHA ROAD,
 MANGALAGIRI, GUNTUR DISTRICT-522503, AP

...RESPONDENT/COMPLAINANT(S):

! Counsel for the Petitioners:

1. Sri Siddharth Luthra appearing on
 behalf of Sri Ginjupalli Subba Rao
2. Sri Posani Venkateswarlu appearing
 on behalf of Sri Y.Koteswara Rao

^Counsel for the Respondents:

1. Sri Siddharth Dave and Sri Ponnayolu
 Sudhakar Reddy appearing on behalf of
 Sri Patil Yugandhar Reddy
2. Sri Chintalapati Panini Somayaji,
 Additional Public Prosecutor

< Gist:

> Head Note:

? Cases referred:

- 1) (1986) 2 SCC 414
- 2) (2009) 15 SCC 643
- 3) (2013) 3 SCC 330
- 4) (1977) 2 SCC 699
- 5) (2023) 20 SCC 219
- 6) (2023) 15 SCC 488
- 7) (2024) 15 SCC 776
- 8) (2023) 20 SCC 194
- 9) 1992 Supp (1) SCC 335

- 10) (2018) 12 SCC 391
- 11) (2018) 13 SCC 612
- 12) (2021) 5 SCC 435
- 13) (2011) 11 SCC 766
- 14) (2013) 9 SCC 245
- 15) (2007) 14 SCC 568
- 16) (2023) 20 SCC 120
- 17) (2010) 8 SCC 775
- 18) (2024) 2 SCC 86
- 19) 1960 SCC OnLine SC 79
- 20) 2021 SCC OnLine AP 2706
- 21) (2021) 1 HCC (AP) 686
- 22) (2022) 20 SCC 574
- 23) (2004) 4 SCC 705
- 24) 2024 SCC OnLine SC 3726
- 25) MANU/TL/1219/2023
- 26) (2020) 10 SCC 710
- 27) (2003) 12 SCC 738
- 28) 1965 SCC OnLine SC 36
- 29) 2019 SCC OnLine AP 54
- 30) 2018 SCC OnLine Hyd 169
- 31) 2012 SCC OnLine AP 856
- 32) 2004 SCC OnLine AP 217
- 33) 2012 SCC OnLine AP 377
- 34) (2014) 2 SCC 1
- 35) 2023 SCC OnLine AP 378
- 36) (2023) 6 SCC 559
- 37) (2021) 19 SCC 401
- 38) (2008) 4 SCC 471

- 39) 1960 SCC OnLine SC 21
- 40) (2022) 20 SCC 661
- 41) (2023) 18 SCC 399
- 42) (1999) 2 SCC 651
- 43) (2018) 3 SCC 104
- 44) (2002) 2 SCC 210
- 45) (1996) 1 SCC 542
- 46) 2025 SCC OnLine SC 983
- 47) AIR 1987 AP 160
- 48) (2020) 3 SCC 317
- 49) (2000) 5 SCC 630
- 50) (2003) 4 SCC 739
- 51) (2001) 2 SCC 330
- 52) (1979) 2 SCC 491
- 53) (2020) 2 SCC 153
- 54) 2022 SCC OnLine AP 942
- 55) (1971) 2 SCC 564
- 56) (2000) 8 SCC 655
- 57) (2011) 9 SCC 1
- 58) AIR 2001 SC 2512
- 59) (2020) 18 SCC 763
- 60) 2006 SCC OnLine AP 1449
- 61) 2004 SCC OnLine AP 1282
- 62) (1970) 1 SCC 653
- 63) 1986 SCC OnLine AP 141
- 64) (1988) 1 SCC 692
- 65) (2000) 4 SCC 168
- 66) (2000) 6 SCC 195
- 67) (2004) 2 SCC 9

- 68) (2007) 12 SCC 1
- 69) (2008) 5 SCC 550
- 70) (2012) 2 SCC 688
- 71) (2019) 9 SCC 148
- 72) (1977) 4 SCC 39
- 73) (2022) 15 SCC 164
- 74) (2021) 9 SCC 35
- 75) (2022) 15 SCC 136
- 76) (2024) 10 SCC 527
- 77) (2003) 6 SCC 195
- 78) (2012) 9 SCC 512
- 79) (2019) 10 SCC 373
- 80) 2016 SCC OnLine Guj 2076
- 81) (2020) 3 SCC 240
- 82) (2003) 5 SCC 257
- 83) (2018) 16 SCC 299
- 84) (2001) 8 SCC 607
- 85) (2020) 2 SCC 338
- 86) (2023) 4 SCC 338
- 87) (2022) 2 SCC 129
- 88) 2022 SCC OnLine SC 484
- 89) (1980) 2 SCC 471
- 90) (1972) 3 SCC 786
- 91) (2022) 15 SCC 228
- 92) 2018 SCC OnLine Hyd 474
- 93) (1988) 2 SCC 142
- 94) (2021) 5 SCC 795
- 95) (2021) 8 SCC 583
- 96) (2022) 4 SCC 549

97) (2022) 16 SCC 703

98) (2021) 18 SCC 135

99) (2024) 6 SCC 267

100) (2023) 16 SCC 666

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION Nos: 1762 & 1763 of 2021

COMMON ORDER:

“नीति परमं धर्मो, नीति परमं सुखम्, नीति परमं मोक्षः, नीति परमं परम्।”

- *Mahabharata, Shanti Parva,*
By Veda Vyasa.

Justice is the greatest dharma, justice is the greatest happiness,
justice is the greatest liberation, justice is the highest of all.

1. Justice is not merely a legal concept. It is, at its deepest level, a moral and civilizational imperative. The role of the courts in a constitutional democracy is not only to resolve legal disputes but to uphold the values of truth, fairness, and human dignity that lie at the foundation of the rule of law. In this case, as in all cases, the ultimate measure of success is not whether one party prevailed over another, but whether the system of justice served the cause of truth and the dignity of every person before it.

PREFACE:

2. This case highlights yet another dispute arising from the acquisition of land under the land pooling scheme introduced by the Andhra Pradesh Capital Region Development Authority Act, 2014 (for brevity ‘the APCRDA Act’), enacted to establish a new capital city for the State of Andhra Pradesh; at its core, the matter underscores the tension between the government’s vision of urban development and a people representative’s concerns over voluntariness, adequacy of compensation, and protection of

property rights, making it a significant test of how public purpose is balanced against individual constitutional and statutory safeguards.

3. The two Criminal Petitions, viz., Crl.P.No.1762 of 2021 and Crl.P.No.1763 of 2021, are heard together and disposed of by way of this common order, as they arise out of one and the same FIR registered in Crime No.5 of 2021 on the file of the CID Police Station, Amaravathi, Mangalagiri, Guntur District. Both petitions are filed under Section 482 of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.,') seeking quashment of the proceedings initiated pursuant to the said FIR, wherein the Petitioners, who were then holding the constitutional offices of Chief Minister and Minister for Municipal Administration and Urban Development respectively, have been arrayed as Accused Nos.1 and 2.

4. Heard Sri Siddharth Luthra, learned Senior Counsel appearing on behalf of Sri Ginjupalli Subba Rao, learned Counsel for the Petitioner in Crl.P.No.1762 of 2021 and Sri Posani Venkateswarlu, learned Senior Counsel appearing on behalf of Sri Y.Koteswara Rao, learned Counsel for the Petitioner in Crl.P.No.1763 of 2021 and Sri Siddharth Dave, learned Senior Counsel and Sri P.Sudhakar Reddy, learned Senior Counsel appearing on behalf of Sri Patil Yugandhar Reddy, learned Counsel for Respondent No.2 in Crl.P.Nos.1762 & 1763 of 2021 and Sri Chintalapati Panini Somayaji, learned Additional Public Prosecutor representing the CID for State.

ARGUMENTS OF THE PETITIONERS:

5. Sri Siddharth Luthra, learned Senior Counsel appearing on behalf of Sri Ginjupalli Subba Rao, learned Counsel for the Petitioner in Cr.L.P.No.1762 of 2021, addressed this Court on the maintainability and the overwhelming merit of these connected petitions filed under Section 482 of 'the Cr.P.C.,' invoking the inherent jurisdiction of this Court for quashing of the impugned First Information Report registered as Crime No.5 of 2021 on the file of the CID Police Station, Amaravathi, Mangalagiri, Guntur District. It was submitted that the Petitioner in Criminal Petition No.1762 of 2021, who held the office of Chief Minister of the State of Andhra Pradesh, and the Petitioner in Criminal Petition No.1763 of 2021, who held the office of Minister for Municipal Administration and Urban Development in the said Government, stand arraigned respectively as Accused Nos.1 and 2. It was submitted that the impugned First Information Report is not a mere irregularity curable by trial, but is fundamentally, manifestly and irredeemably unsustainable in law, inasmuch as it seeks to criminalize the sovereign function of governance and to convert the machinery of the criminal law into an instrument for the settlement of political scores.

6. Sri Siddharth Luthra, learned Senior Counsel submits that both petitions, arising as they do from a common First Information Report and directed at the self-same act of governance, ought to be appreciated against the political backdrop in which the impugned prosecution came to be

launched. It was submitted that upon the change of Government, the instrumentalities of the State, and particularly the Crime Investigation Department, came to be pressed into service as instruments of targeted action against functionaries of the then Opposition. It was submitted that, conventional avenues of harassment having failed to yield results, the impugned First Information Report represents merely the latest device resorted to for the said purpose and constitutes one more chapter in what was described as a sustained campaign of political retribution.

7. Elaborating upon the contents of the impugned First Information Report, it was submitted that the same came to be registered on 12.03.2021, founded upon a complaint dated 24.02.2021 lodged by Respondent No.2, a former Member of the Legislative Assembly and an active functionary of the party presently in Opposition, purportedly upon information said to have been received from certain villagers of Nowluru. It was submitted that the First Information Report invokes Sections 166, 167, 217 and 120-B read with Sections 34, 35, 36 and 37 of the Indian Penal Code, 1860 (for brevity 'the I.P.C.,'), Section 3(1)(f) and (g) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'the SCs & STs (POA) Act. '), and Section 7 of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 (for brevity 'the Assigned Land Prohibition Act. '), and that both Petitioners are implicated solely by reason of their respective roles in the formulation and implementation of the Land Pooling Scheme for the new

capital city of Amaravati, and, more particularly, in relation to G.O.Ms.No.41 dated 17.02.2016 issued under 'the APCRDA Act'.

8. To demonstrate the complete legitimacy of every step taken by the Petitioners, learned Senior Counsel submits about the constitutional genesis of the capital city project. It was submitted that upon the bifurcation of the erstwhile State of Andhra Pradesh under the Andhra Pradesh Reorganisation Act, 2014 (for brevity 'the Re-organisation Act.'), the successor State was left without a capital, Hyderabad having been allotted to the newly formed State of Telangana subject only to a transitional arrangement not exceeding ten years, thereby casting upon the State of Andhra Pradesh the constitutional necessity of establishing an altogether new capital. It was submitted that Parliament, mindful of the gravity of this exercise, incorporated Section 6 in 'the Re-organisation Act.,' mandating constitution of an Expert Committee, pursuant to which the Union Government constituted a Committee headed by Sri K.Sivaramakrishnan on 28.03.2014. It was submitted that the said Committee undertook visits to eleven districts, held extensive and well-publicized consultations, invited and received as many as 4,728 suggestions from members of the public pursuant to a public notice, and submitted its report on 28.07.2014, which report expressly records, at paragraph 3.3.2, that the region between Guntur and Vijayawada had attracted considerable public support as a potential site by reason of its central location and connectivity. It was concluded that these facts establish, beyond any doubt, that the choice of

location was arrived at through a transparent and participatory process in which no element of secrecy or insider knowledge was involved.

9. Learned Senior Counsel further submits that, founded upon the said Expert Committee Report, the Cabinet of the State Government, presided over by the Petitioner in Criminal Petition No.1762 of 2021, resolved on 01.09.2014 to locate the new capital in the area surrounding Vijayawada, and that this decision was thereafter placed before the Legislative Assembly on 04.09.2014, which body, exercising its plenary democratic authority, unanimously endorsed the same. It was submitted that a unanimous resolution of the elected Legislature constitutes the highest form of democratic ratification that any governmental decision can receive, and that no act performed in pursuance of such a resolution can, consistently with settled principle, be branded as malicious, conspiratorial, or criminal in character.

10. Sri Siddharth Luthra, learned Senior Counsel for the Petitioner thereafter traced the implementation of the Land Pooling Scheme, submitting that a Group of Ministers, of which the Petitioner in Criminal Petition No.1763 of 2021 was a member, was constituted by G.O.RT.No.3234 dated 24.09.2014, and that both Petitioners personally undertook extensive consultations across twenty-nine villages of Tullur, Mangalagiri and Tadepalli mandals, culminating in the announcement of the Land Pooling Policy on 07.12.2014 and the farmers' package on 08.12.2014. It was submitted that 'the APCRDA Act.' came into force on 30.12.2014, and that within sixty days

thereafter, more than 25,000 farmers voluntarily entered into land pooling agreements covering upward of 30,000 acres, a rate of voluntary participation stated to be unparalleled anywhere in the world, and one which, it was submitted, constitutes the most complete answer conceivable to any suggestion of coercion, fraud, or criminal design underlying the Scheme.

11. Addressing what learned Senior Counsel described as the lynchpin of the entire prosecution, namely G.O.Ms.No.41 dated 17.02.2016, it was submitted that the said Government Order, issued in exercise of the rule-making power conferred by Section 18 of 'the APCRDA Act.,' so as to amend Rule 5(2) of the Rules of 2015, was preceded by due consideration at the level of the Principal Secretary concerned and the sanction of the Chief Minister, is consonant with the assignment policy long prevalent in the State, applies uniformly without discrimination as to caste or community, and has, to this date, never been assailed in any writ or other constitutional proceeding, nor declared invalid by any court of competent jurisdiction. It was submitted that the said Government Order therefore continues to enjoy the full presumption of legislative validity attaching to subordinate legislation.

12. Sri Siddharth Luthra, learned Senior Counsel submits that as a matter of first principle flowing from the doctrine of separation of powers, that the sovereign power of rule-making reposed in the Executive cannot be made the subject of criminal investigation or prosecution, and that it is not open to an investigating officer to sit in judgment upon the motive underlying a piece of

delegated legislation, this being a function reserved exclusively to the constitutional Courts. It was further submitted that no motive can, in law, be attributed to an act of legislation or subordinate legislation, and that so long as G.O.Ms.No.41 stands unreversed, every act done in pursuance thereof is an act of lawful compliance and not of criminal disobedience. It was additionally submitted that the successor enactment repealing 'the APCRDA Act.,' had itself expressly saved actions taken there under, a circumstance said to be fatal to the prosecution's own case, since a government does not save that which it regards as illegal.

13. It was submitted that the impugned First Information Report is conspicuously silent as to any specific act attributed to either Petitioner in his individual capacity, both having been arraigned solely by virtue of the offices held by them at the relevant time, a mode of implication stated to amount to an impermissible form of vicarious criminal liability unknown to law. It was submitted that even the preliminary enquiry conducted by the Superintendent of Police, RO (CID), Vijayawada, prior to registration of the First Information Report, discloses no material justifying investigation against either Petitioner.

14. Learned Senior Counsel thereafter demonstrated, offence by offence, the want of essential ingredients. Reliance was placed on **Bihar State Electricity Board v. Nand Kishore Tamakhuwala**¹ for the proposition that Section 166 of 'the I.P.C.,' requires knowing disobedience of a specific

¹ (1986) 2 SCC 414

direction of law resulting in known injury, a requirement stated to be wholly absent here. It was submitted that Section 217 of 'the I.P.C.,' fails for identical reasons, and Section 167 of 'the I.P.C.,' fails since no document prepared in compliance with a subsisting Government Order can be termed "incorrect". Reliance was placed on **Mir Nagvi Askari v. CBI**², for the ingredients of criminal conspiracy under Section 120-B of 'the I.P.C.,' namely an agreement, its relation to an illegal act or a legal act by illegal means, and a meeting of minds, and it was submitted that none of these ingredients finds any mention in the complaint, which discloses, at its highest, mere disagreement with a policy decision. As regards Section 3(1)(f) and (g) of 'the SCs & STs (POA) Act.,' it was submitted that the three cumulative prerequisites, namely a scheduled-caste or scheduled-tribe victim, a non-scheduled accused, and wrongful dispossession, are each unsatisfied, no individual victim having been identified and the lands in question having been validly reconstituted or transferred under the very Government Order impugned.

15. Sri Siddharth Luthra, learned Senior Counsel for the Petitioner further pressed two independent and complete statutory bars to the maintainability of the prosecution: first, Section 146 of 'the APCRDA Act', which in absolute terms bars any suit, prosecution or proceeding against the Government, the Authority, or any officer or person for anything done or purporting to be done under the Act or the Rules made thereunder; and

² (2009) 15 SCC 643

second, Section 8 of 'the Assigned Land Prohibition Act.,' which similarly bars proceedings for acts done in good faith in pursuance of that Act. It was submitted that both bars operate as self-contained and unqualified shields rendering the prosecution unsustainable *ab initio*.

16. Learned Senior Counsel concluded by drawing attention to what was described as the most telling circumstance in the entire matter, namely the complete absence, even after five years, of a single genuinely aggrieved landowner before any forum, notwithstanding that the impugned transactions took place in 2015-16. It was submitted that this circumstance exposes the complaint as one actuated by political rivalry rather than genuine grievance. Learned Senior Counsel submitted that all four limbs of the test enunciated in **Rajiv Thapar v. Madan Lal Kapoor**³, stand satisfied on the material placed on record, and that the principles laid down in **State of Karnataka v. L. Muniswamy**⁴, squarely apply to prevent the criminal process from degenerating into an instrument of harassment. On this basis, it was urged that the impugned proceedings in Crime No.5 of 2021 be quashed in their entirety as against both Petitioners.

17. On the principles of quashing, Sri Siddharth Luthra, learned Senior Counsel for the Petitioner emphasizes that the extraordinary jurisdiction under Article 226 of the Constitution and Section 482 of 'the Cr.P.C.,' exists to prevent abuse of process and secure the ends of justice.

³ (2013) 3 SCC 330

⁴ (1977) 2 SCC 699

Reliance was placed on the following judgments, which laid down illustrative categories where quashing is justified:

1. **Mohd. Wajid v. State of U.P.**,⁵
2. **Mahmood Ali v. State of U.P.**,⁶
3. **Haji Iqbal v. State of U.P.**,⁷
4. **Salib v. State of U.P.**,⁸
5. **State of Haryana v. Bhajan Lal**⁹
6. **Lovely Salhotra v. State (NCT of Delhi)**¹⁰
7. **Ishwar Pratap Singh v. State of U.P.**,¹¹

18. On the issue of malicious or frivolous prosecution, learned Senior Counsel submitted that criminal law cannot be permitted to degenerate into a weapon of harassment or vendetta by relying on the following judgments, all of which underscore the duty of Courts to nip vexatious litigation in the bud:

1. **Krishna Lal Chawla v. State of U.P.**,¹²
2. **Gosu Jayarami Reddy v. State of A.P.**,¹³
3. **Ravinder Singh v. Sukhbir Singh**¹⁴
4. **W.B. SEB v. Dilip Kumar Ray**¹⁵

⁵ (2023) 20 SCC 219

⁶ (2023) 15 SCC 488

⁷ (2024) 15 SCC 776

⁸ (2023) 20 SCC 194

⁹ 1992 Supp (1) SCC 335

¹⁰ (2018) 12 SCC 391

¹¹ (2018) 13 SCC 612

¹² (2021) 5 SCC 435

¹³ (2011) 11 SCC 766

¹⁴ (2013) 9 SCC 245

19. On the question of delay in lodging FIRs and its bearing under Section 482 of 'the Cr.P.C.,' the learned Senior Counsel for the Petitioner relied on the following judgments, where the Hon'ble Apex Court cautioned that unexplained delay often betrays *mala fide* intent and may warrant dismissal of proceedings:

1. **Chanchalpati Das v. State of W.B.**,¹⁶

2. **Kishan Singh v. Gurpal Singh**¹⁷

20. On the issue of defence of the accused being considered at the stage of quashing, learned Senior Counsel for the Petitioners submitted that where the complaint itself discloses a complete defence, the Court is empowered to intervene. For this proposition, reliance was placed on the following judgments:

1. **Iveco Magirus Brandschutztechnik GMBH v. Nirmal Kishore Bhartiya**¹⁸

2. **Vadilal Panchal v. Dattatraya Dulaji Ghadigaonkar**¹⁹

21. On the issue of public knowledge about the plan for creation of capital and limits of judicial review in policy matters, reliance was placed on the following judgments, which held that Courts cannot substitute their judgment for that of the executive in matters of policy unless fundamental rights are infringed.

¹⁵ (2007) 14 SCC 568

¹⁶ (2023) 20 SCC 120

¹⁷ (2010) 8 SCC 775

¹⁸ (2024) 2 SCC 86

¹⁹ 1960 SCC OnLine SC 79

1. **Dammalapati Srinivas v. State of A.P.**,²⁰
2. **Chekka Guru Murali Mohan v. State of A.P.**,²¹
3. **State of A.P. v. Chekka Guru Murali Mohan**²²,

22. On the issue of interpretation of statutes and the principle that language of one Act cannot be read into another, reliance was placed on **Maheshwari Fish Seed Farm v. T.N. Electricity Board**²³, where the Court held that pisciculture cannot be equated with agriculture merely by borrowing definitions from other enactments.

23. On the scope of Section 197 of 'the Cr.P.C.,' and the nexus test for sanction, reliance was placed on **Om Prakash Yadav v. Niranjana Kumar Upadhyay**²⁴, which clarified that protection is available only when the act bears a reasonable nexus with official duty, and cannot be extended to acts dehors service functions.

24. On the issue of power to make rules and power to amend rules, reliance was placed on **Sanikommu Venkata Sai Bharath Reddy v. Union of India**²⁵ which consistently held that laying provisions are directory and not mandatory, and rules become valid upon publication in the Gazette.

25. On the issue of SC/ST offences not being established merely because the informant belongs to a Scheduled Caste or Scheduled Tribe,

²⁰ 2021 SCC OnLine AP 2706

²¹ (2021) 1 HCC (AP) 686

²² (2022) 20 SCC 574

²³ (2004) 4 SCC 705

²⁴ 2024 SCC OnLine SC 3726

²⁵ MANU/TL/1219/2023

reliance was placed on **Hitesh Verma v. State of Uttarakhand**²⁶, which clarified that intention to humiliate on account of caste is the *sine qua non* for prosecution under 'the SCs/STs (POA) Act'.

26. Finally, on the issue of laying of rules before the Legislature being directory and not mandatory, reliance was placed on the following judgments, which affirmed that omission to lay rules before the Legislature does not affect their validity once notified:

1. **Prohibition & Excise Supdt., A.P. v. Toddy Tappers Coop. Society**²⁷
2. **Jan Mohd. Noor Mohd. Bagban v. State of Gujarat**²⁸
3. **Ester Axene Residential High School v. State of A.P.**,²⁹
4. **Chidurala Sudakar v. State of Telangana**³⁰

27. Sri Venkateswarlu Posani, learned Senior Counsel for the Petitioner submits that the *mala fide* character of the entire prosecution is further graphically illustrated by the conduct of the Respondent Police Authorities during the investigation. Armed with the impugned FIR, police officials have been conducting searches at various premises of the Petitioner in CrI.P.No.1763 of 2021, Minister, in a manner that is illegal in character and motivated not by any genuine investigative necessity, but by the explicit purpose of tarnishing his image and reputation in the eyes of the public,

²⁶ (2020) 10 SCC 710

²⁷ (2003) 12 SCC 738

²⁸ 1965 SCC OnLine SC 36

²⁹ 2019 SCC OnLine AP 54

³⁰ 2018 SCC OnLine Hyd 169

intimidating him personally, and demoralizing his political supporters. It is submitted that the perusal of the search authorizations would readily demonstrate the illegal methodology and the high-handed approach that the Respondents have been employing under the guise of investigation. No crime requiring investigation has been established, no cognizable offence has been disclosed and yet, the Minister's premises are subject to searches that serve no investigative purpose other than to harass and humiliate him. This is precisely the form of conduct that the Hon'ble Supreme Court in **L.Muniswamy** *supra*, warned against when it held that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. The searches are not investigation, they are persecution. They are not law enforcement; they are political warfare conducted under the guise of law enforcement. This conduct, taken together with the registration of the FIR, presents the most compelling case for intervention by this Court.

28. Sri Venkateswarlu Posani, learned Senior Counsel for the Petitioner submits that consequent upon the bifurcation of the erstwhile State of Andhra Pradesh under 'the Re-organisation Act.', the Legislature enacted 'the APCRDA Act', wherein Section 18 introduced the innovative concept of a land pooling scheme as an alternative to compulsory acquisition. Pursuant thereto, the Government issued G.O.Ms.No.1 dated 01.01.2015, prescribing the policy framework and guidelines. The scheme classified lands into patta lands and assigned lands and envisaged reconstituted plots in exchange for

lands pooled into the capital region. Subsequently, G.O.Ms.No.41 dated 17.02.2016 amended Rule 5 of G.O.Ms.No.1, refining the classification by re-categorizing assigned lands to regulate their inclusion in the pooling framework.

29. The gravamen of the complaint, which formed the substratum for registration of the crime, was that through such reclassification, assigned lands were allegedly brought within the ambit of the pooling scheme in violation of 'the Assigned Land Prohibition Act', with *mala fide* intent to confer benefit upon certain individuals. Learned Senior Counsel submitted that while assignment of lands is an executive policy subject to change, the prohibition on transfer is a statutory mandate applicable only to lands deemed unalienable. Learned Senior Counsel meticulously delineated the categories of assignment: (i) lands assigned to freedom fighters and political sufferers under G.O.Ms.No.1745 dated 28.08.1959, permitting alienation after ten years; (ii) lands assigned to ex-servicemen under G.O.Ms.No.1117 dated 11.11.1993, likewise alienable after ten years; and (iii) general assignments, further divided into pre-1954/1958 assignments (alienable) and post-1954/1958 assignments (heritable but non-transferable). This distinction was judicially recognized in **Raavi Satish v. State of Andhra Pradesh**³¹, wherein the Court held that pre-1954/1958 assignments are registrable

³¹ 2012 SCC OnLine AP 856

notwithstanding prohibitory lists, whereas post-1954/1958 assignments attract refusal under Section 5(2) of the Prohibition Act.

30. Sri Venkateswarlu Posani, learned Senior Counsel further relied upon the Full Bench decision in **Land Acquisition Officer-cum-R.D.O. v. Mekala Pandu**³², which held that assignees are entitled to compensation on par with patta holders when lands are acquired for public purpose, and that prohibitory clauses in assignment pattas do not operate in such circumstances. Learned Senior Counsel also adverted to **Konkala Amaravathi v. Sub-Registrar**³³, where it was held that once assigned lands are sold pursuant to mortgage, the Prohibition Act ceases to apply, and registering authorities must register such documents. Thus, the alienability of assigned lands is nuanced and context-dependent, and the impugned Government Order cannot be said to contravene statutory provisions.

31. Learned Senior Counsel further submitted that even encroachers under the A.P. Land Encroachment Act, 1905, were brought under the pooling scheme to obviate prolonged litigation, given the time-bound requirement for capital establishment. The inclusion of “*Sivaijamadars*” and other categories was similarly justified under prevailing policy. Hence, G.O.Ms.No.41 dated 17.02.2016 is neither contrary to the Prohibition Act nor tainted with *mala fides*, and there is no allegation of individual benefit.

³² 2004 SCC OnLine AP 217

³³ 2012 SCC OnLine AP 377

32. On the penal provisions invoked, learned Senior Counsel submitted that Sections 166 and 217 of 'the I.P.C.,' are non-cognizable, and Section 167 of 'the I.P.C.,' though cognizable, historically pertains to falsification of translations or documents, not policy decisions such as issuance of a Government Order. The invocation of Sections 3(1)(f) and 3(1)(g) of 'the SCs & STs (POA) Act.' is equally untenable, as the FIR contains no allegation of wrongful occupation or dispossession of SC/ST lands. It is emphasized that under Section 7 of 'the Assigned Land Prohibition Act.,' punishment for acquiring assigned lands is limited to six months' imprisonment, and the offence is non-cognizable under the Second Schedule of 'the Cr.P.C.' Consequently, police cannot register or investigate without prior Magistrate's permission under Sections 154 and 155 of 'the Cr.P.C.' The registration of crime and initiation of investigation without such sanction is therefore ultra vires.

33. Finally, citing the celebrated principles in **Bhajan Lal** *supra*, Sri Venkateswarlu Posani, learned Senior Counsel submitted that where allegations do not disclose a cognizable offence, registration of crime and investigation must be quashed; even if investigation proceeds, continuation of proceedings without disclosure of cognizable offence constitutes abuse of process; none of the FIR allegations satisfy statutory requirements; and the registration of crime and continuation of investigation are unsustainable in law.

SUBMISSIONS ON BEHALF OF THE 1st RESPONDENT:

34. Sri Panini Somayaji, learned Additional Public Prosecutor submits that the investigative record unmistakably demonstrates the voluntary character of the land pooling transactions. Nearly seventy-six witnesses have been examined in the instant crime, and their depositions, recorded under due process, consistently affirm that they parted with their assigned lands without coercion, inducement, or third-party compulsion. The prosecutorial stance is that such unanimity of testimony constitutes unimpeachable evidence of voluntariness, thereby negating the substratum of allegations of fraud or *mala fide* intent.

35. It is further contended that in Crime Nos.14 and 15 of 2020 of the CID Police Station, Mangalagiri, the very same official witnesses were examined, and their statements were reiterated in the present case. Several witnesses, common to all three proceedings, have categorically deposed that they were holders of assigned lands and that their participation in the pooling scheme was entirely consensual. The learned Prosecutor emphasizes that consistency across multiple proceedings enhances the probative value of the evidence and establishes a continuum of voluntariness beyond reasonable doubt.

36. The learned Additional Public Prosecutor argues that the investigative process has been conducted in strict conformity with statutory mandates and standing orders, and that the CID, acting within its lawful

jurisdiction, has scrupulously adhered to procedural safeguards. The examination of witnesses was neither perfunctory nor selective; rather, it was comprehensive, encompassing both official and private stakeholders. This breadth of inquiry, it is submitted, fortifies the legitimacy of the investigation and rebuts the allegation of political vendetta.

37. The prosecutorial submission underscores that the witnesses, being direct beneficiaries of the scheme, are competent and credible sources of evidence. Their declarations that they surrendered lands without external pressure are not mere formalities but substantive attestations of free will. The learned Prosecutor contends that such evidence, emanating from primary stakeholders, cannot be brushed aside as self-serving, but must be accorded full evidentiary weight under Section 3 of the Indian Evidence Act, 1872 (for brevity 'the Evidence Act.,').

38. The learned Additional Public Prosecutor further submits that the voluntariness of the scheme is corroborated by contemporaneous governmental records, including agreements executed under 'the APCRDA Act.' These records, duly registered and preserved, reflect the conscious and informed consent of landholders. The Prosecutor argues that when documentary evidence and oral testimony converge in unison, the presumption of legality and *bona fides* under Section 114 of 'the Evidence Act.,' stands reinforced.

39. Finally, it is contended that the allegations of coercion or wrongful dispossession under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are wholly unsustainable considering the witness depositions. It is submitted that the statutory prerequisites of victim identification, wrongful occupation, and caste-based intent are conspicuously absent. On the contrary, the evidence demonstrates voluntary participation across communities, thereby rendering the invocation of penal provisions untenable. The learned Additional Public Prosecutor concludes that the investigative record, viewed holistically, establishes that the FIR discloses no cognizable offence, and urged to pass appropriate orders.

SUBMISSIONS OF COUNSEL FOR RESPONDENT No.2 in CrI.P.No.1762 of 2021:

40. Mr. Siddarth Dave, learned Senior Counsel appearing on behalf of Sri Patil Yugandhar Reddy, learned Counsel for Respondent No.2 submits that the jurisdiction under Section 482 of 'the Cr.P.C.,' is extremely limited and cannot be invoked to conduct a mini trial at the threshold; the Hon'ble Supreme Court has repeatedly held that the primary test for quashing is whether, on a plain reading of the complaint or FIR, the commission of an offence is disclosed, and if it is, then investigation must follow, since an FIR need not be an encyclopaedia but only needs to disclose suspicion of an offence, which by itself is sufficient to trigger investigation, and once the investigation is complete, either a closure report or a charge sheet will be filed,

giving the accused remedies at that stage. Learned Senior Counsel further submits that voluminous documents produced by Petitioners in quashing petitions are generally not looked into, except in rare cases where unimpeachable evidence such as passport entries conclusively establishes impossibility of the offence, and that statements under Section 161 of 'the Cr.P.C.,' are not to be relied upon at this stage, particularly when investigation has been stayed and material has not yet been collected.

41. Referring to **Lalita Kumari v. Govt. of U.P.**,³⁴ learned Senior Counsel pointed out that in corruption cases, police may conduct a preliminary inquiry only to ascertain whether allegations reveal a cognizable offence, not to test veracity, and such inquiry must be conducted by an officer of the rank of Sub-Divisional Police Officer, raising the question whether CID has authority to register and investigate a case without prior approval from the competent Government authority. Learned Senior Counsel further submitted that a Member of Legislative Assembly can in appropriate cases bypass constitutional remedies and directly agitate grievances against Government Orders before the police or Additional DGP, when the individuals of his legislative constituency alleged that their lands were taken at throwaway prices by fraudsters.

42. Mr. Siddharth Dave, learned Senior Counsel for the Respondent would further submit that the reliance placed upon **M. China Hari Babu v.**

³⁴ (2014) 2 SCC 1

State of A.P.,³⁵ unequivocally establishes that Standing Order No. 866-1 of the A.P. Police Manual circumscribes the jurisdictional competence of the Crime Investigation Department (CID). The CID, being but a specialized branch of the State Police and not an extra-territorial or autonomous body akin to the CBI, cannot *suo motu* embark upon investigation. The Standing Order mandates that while any Unit Officer, meaning the officer attached to the concerned police station at the ground level, may requisition the CID, no enquiry or investigation can be undertaken absent the prior sanction of the Additional Director General of Police, CID, or the Director General of Police. In the present case, such authorization was indeed accorded on 25.02.2021, pursuant to which a preliminary enquiry was ordered, culminating in the registration of the FIR dated 12.03.2021. It is further submitted that the MLA has not lodged his complaint before the Station House Officer, Mangalagiri, nor has any Unit Officer made a request in this matter, thereby underscoring that the procedural safeguards contemplated under the Manual have been duly observed.

43. Sri Siddharth Dave, learned Senior Counsel for the Respondent submits that the extraordinary jurisdiction vested in the High Courts under Article 226 of the Constitution and Section 482 of 'the Cr.P.C.,' is not designed to serve as a forum for embarking upon a roving enquiry into the veracity, reliability, or genuineness of allegations at the very inception of criminal

³⁵ 2023 SCC OnLine AP 378

proceedings. The Hon'ble Supreme Court in **State of Chhattisgarh v. Aman Kumar Singh**³⁶, has categorically reaffirmed that even an FIR registered on mere suspicion suffices to set the criminal law in motion, and that an FIR premised upon "probability" of commission of an offence is of a higher threshold than one based on suspicion alone. In corruption matters, particularly under the Prevention of Corruption Act, 1988 (for brevity 'the P.C.Act.,') the jurisprudential thrust is that considerations applicable to general penal statutes cannot be transposed, and that the High Courts must adopt a hands-off approach, eschewing premature interdiction save in the rarest of rare cases where *mala fides* alone constitute the substratum of the investigation. The investigative process must be permitted to unfold, for it is only through such process that probity in governance can be maintained and societal pollutants weeded out.

44. Learned Senior Counsel for the Respondent further submits that the true mandatory import of Order 866 does not lie in the mere initiation of a request by a unit officer, but rather in the categorical stipulation that no inquiry or investigation shall be undertaken by the CID absent prior sanction from the Additional Director General of Police, CID, or the Director General of Police. The gravamen of the provision is thus the requirement of prior approval from the competent authority, which alone constitutes the *sine qua non* for lawful initiation of proceedings. Even assuming, arguendo, the contention advanced

³⁶ (2023) 6 SCC 559

by learned Senior Counsel for the Petitioner, Mr. Siddharth Luthra, that the provision mandates a request from a unit officer as a precondition, and that any deviation therefrom amounts to a violation, it is submitted that such an irregularity, even if established, cannot *ipso facto* furnish a ground for quashing an FIR. The jurisdictional foundation of the FIR remains unaffected, and the alleged procedural lapse, at best, may be a matter for departmental scrutiny but does not vitiate the criminal process at its inception.

45. Furthermore, even assuming *arguendo* that certain procedural irregularities have crept into the initiation of investigation, such as the absence of a formal request from a unit officer under the A.P. Police Manual or lapses in routing through the proper channel, such defects do not *ipso facto* vitiate the investigation or render the resultant police report void in law. The settled principle is that a defective investigation, unless it occasions a miscarriage of justice, cannot nullify the cognizance validly taken by a competent court. It is submitted that no prejudice has been caused to the petitioners; the allegations pertain to large-scale irregularities in public land dealings, and suspicion alone is sufficient to warrant investigation. To quash the FIR at this nascent stage would amount to conducting a mini trial under the guise of jurisdiction conferred under Section 482 of 'the Cr.P.C.,' which is impermissible. The only legitimate ground for quashing is where a plain reading of the FIR discloses no cognizable offence whatsoever. In the present case, the allegations, whether raised by an MLA or any other complainant, clearly disclose

cognizable offences, and therefore, the invocation of the inherent jurisdiction of this Court is wholly unwarranted.

46. Mr. Siddharth Dave, learned Senior Counsel for the Respondent would further submit that subsequent to the registration of the FIR, investigation proceeded with expedition, ten witnesses having been examined prior to the grant of stay on 19.03.2021, and thereafter, despite the stay being confined only to the petitioners herein, the investigation continued and witnesses up to LW.76 were examined. It is emphasized that the stay was not an omnibus interdiction of the investigation but was specific to the petitioners alone. Moreover, in respect of Crime Nos. 14, 15 and 16 of 2020, the petitions for quashment having been dismissed, the investigations were carried to their logical conclusion, and the cases were referred as “mistake of fact,” which orders were duly approved by the jurisdictional Special Judges. Hence, at this juncture, the attempt to quash the proceedings is wholly premature, for the investigative process is yet ongoing and the petitioners retain their remedy should the police ultimately close the matter as a mistake of fact. The gravamen of the complaint pertains to policy decisions involving monetary implications, wherein gullible persons were allegedly induced to part with lands at undervalued rates. No such gullible person has lodged a complaint before any police station or SHO, and therefore, the present petition seeking quashment is devoid of merit and liable to be rejected, permitting the investigation to proceed unhindered.

SUBMISSIONS OF COUNSEL FOR RESPONDENT No.2 in CrI.P.No.1763 of 2021:

47. Sri Ponnavolu Sudhakar Reddy, learned Senior Counsel appearing on behalf of Sri Patil Yugandhar Reddy, learned Counsel for Respondent No.2 submits that the Respondent No.2/De-Facto Complainant had lodged a criminal complaint against the Petitioners in Crime No.5 of 2021 dated 12.03.2021 for offences under Sections 166, 167, 217, 120-B read with Sections 34 to 37 of 'the I.P.C.,' Section 3(1)(f), (g) of 'the SCs/STs (POA) Act', and Section 7 of 'the Assigned Lands Act'. The Petitioners have approached this Court seeking quash of the FIR. It is submitted that the present petitions are misconceived, premature, and devoid of merit. A perusal of the FIR and the investigation materials filed along with the Counter and Additional Counter clearly disclose the commission of cognizable offences, including conspiracy, cheating, and criminal misconduct.

48. Sri Ponnavolu Sudhakar Reddy, learned Senior Counsel further submits that the complaint specifically alleges manipulation of capital city limits, alignment of the Inner Ring Road, and formulation of Land Pooling Schemes to benefit the Petitioners and their associates. The Counter Affidavit filed by the State substantiates these allegations, thereby establishing a *prima facie* case. In such circumstances, the quash petitions are not maintainable. The Hon'ble Supreme Court in **Bhajan Lal** *supra* and **Neeharika**

Infrastructure (P) Ltd. v. State of Maharashtra³⁷ has categorically held that the inherent powers under Section 482 of ‘the Cr.P.C.’ must be exercised sparingly and only in the rarest of rare cases. Since a *prima facie* case exists, the present petitions do not fall within that category.

49. Sri Ponnayolu Sudhakar Reddy, learned Senior Counsel further submits that allegations of corruption demand even greater caution in exercising inherent powers. Reliance is placed on **CBI v. K.M. Sharan**³⁸, and **Aman Kumar Singh** *supra*, wherein the Hon’ble Supreme Court emphasized that corruption cases must be allowed to proceed to trial rather than being stifled at the threshold.

50. Sri Ponnayolu Sudhakar Reddy, learned Senior Counsel further submits that the Petitioners’ grounds essentially seek a mini-trial under Section 482 of ‘the Cr.P.C.’ requiring an enquiry into the reliability and truthfulness of allegations at the FIR stage. Such a course is impermissible. The sufficiency of evidence is within the domain of the Trial Court. Reliance is placed on **R.P. Kapur v. State of Punjab**³⁹, **Neeharika Infrastructure (P) Ltd. supra**, **Rathish Babu Unnikrishnan v. State (NCT of Delhi)**⁴⁰, and **CBI v. Aryan Singh**⁴¹.

³⁷ (2021) 19 SCC 401

³⁸ (2008) 4 SCC 471

³⁹ 1960 SCC OnLine SC 21

⁴⁰ (2022) 20 SCC 661

⁴¹ (2023) 18 SCC 399

51. It is submitted that at the FIR stage, the Court cannot sift or weigh evidence. Reliance is placed on **State of Kerala v. O.C. Kuttan**⁴², and **Dineshbhai Chandubhai Patel v. State of Gujarat**⁴³. Each transaction in a large-scale fraud must be treated as a distinct offence, as held in **Narinderjit Singh Sahni v. Union of India**⁴⁴.

52. Sri Ponnayolu Sudhakar Reddy, learned Senior Counsel further submits that the FIR discloses genuine offences established in preliminary investigation. As held in **Maharashtra v. Ishwar Piraji Kalpatri**⁴⁵ *mala fides* of the complainant are irrelevant if the complaint discloses an offence.

53. On the issue of delay, it is submitted that in complex socio-economic offences and conspiracies involving manipulation of financial trails and bureaucratic records, delay is inevitable. Economic offences are a class apart, and mere delay cannot justify quashing. Reliance is placed on **Punit Beriwal v. State (NCT of Delhi)**⁴⁶.

54. Sri Ponnayolu Sudhakar Reddy, learned Senior Counsel furthermore submits that registration of FIR by the CID at the instance of a third party is permissible. This Court in **M. China Hari Babu** *supra* dismissed a similar contention. The Government Order on land pooling was designed to ratify illegal alienation of assigned lands and encroached government lands,

⁴² (1999) 2 SCC 651

⁴³ (2018) 3 SCC 104

⁴⁴ (2002) 2 SCC 210

⁴⁵ (1996) 1 SCC 542

⁴⁶ 2025 SCC OnLine SC 983

manipulated through revenue records by the Petitioners in their official capacities.

55. Sri Ponnayolu Sudhakar Reddy, learned Senior Counsel eventually submits that policy decisions embodied in Government Orders are subject to public scrutiny. If criminal conspiracy is evident behind such orders, citizens are entitled to initiate criminal proceedings. There is no estoppel against prosecution. Investigations into policy decisions, such as the Delhi liquor policy case and Andhra Pradesh liquor scam, demonstrate that criminal liability can arise from governmental orders. Considering the above submissions, it is urged that this Court may dismiss the Criminal Petitions filed by the Petitioners in the facts and circumstances of the case.

56. Having attentively considered the arguments canvassed by learned Senior Counsel on both sides, the Court proceeds to evaluate the same with circumspection and legal propriety. This Court has undertaken a thorough and circumspect examination of the whole of the material available on record before proceeding to its determination.

POINT FOR CONSIDERATION:

57. In the light of the case of the prosecution and the contentions of the learned Senior Counsel for both the sides, now the point for consideration is:

“Whether the proceedings in Crime No.5 of 2021 of CID Police Station, Amaravathi, Mangalagiri, Guntur District are liable to be quashed in exercise of the inherent powers of this Court under Section 482 of ‘the Cr.P.C.,’/Section 528 of ‘the BNSS’?”

58. Indeed, this Court has heard learned Senior Counsel appearing for the Petitioners at considerable length, has perused the impugned First Information Report, the preliminary enquiry report, the Expert Committee Report dated 28.07.2014, the Cabinet decision dated 01.09.2014, the resolution of the Legislative Assembly dated 04.09.2014, G.O.Ms.No.41 dated 17.02.2016, and the other material placed on record, and has given its anxious consideration to the rival contentions.

FIRST INFORMATION REPORT AND BACKGROUND AND CIRCUMSTANCES OF REGISTRATION OF THE FIR:

59. The FIR was registered pursuant to an English typed report submitted by Sri Alla Rama Krishna Reddy, Member of Legislative Assembly (M.L.A), Mangalagiri Constituency, Guntur District, to the Addl. Director General of Police, CID, AP, Mangalagiri, on 24.02.2021 at 11:00 hours. In that report, the MLA alleged that some of the influential persons of the then Government had cheated innocent peasants, many of them belonging to SC/ST and other weaker sections, by taking away their lands illegally and fraudulently, keeping them under confusion and fear of insecurity about their lands through false representations.

ALLEGATIONS IN BRIEF OF THE WRITTEN COMPLAINT LODGED BY THE DE-FACTO COMPLAINANT:

60. The *de-facto* complainant, Sri Alla Ramakrishna Reddy, MLA of Mangalagiri, has alleged that large-scale irregularities and conspiracies were committed in the implementation of the Land Pooling Scheme (LPS) by the

then Government of Andhra Pradesh during the formation of Amaravati Capital City. He states that confidential information regarding the location of the capital and modalities of land procurement was misused by influential persons to deprive gullible peasants, particularly SC/ST and weaker sections, of their lawful benefits. According to him, middlemen intimidated and deceived farmers into executing sale agreements for paltry sums, and subsequently G.O.Ms.No.41 dated 17.02.2016 was crafted to legitimize such transactions by introducing the undefined concept of “*Sivaijamadars*,” thereby enabling purchasers of assigned and encroached lands to claim returnable plots under LPS. He further alleges that fictitious meetings were recorded to justify amendments, revenue records were tampered with or shown as missing, objectionable lands including *poramboke* and riverbed (*lanka*) lands were fraudulently categorized as eligible, and undue benefits were extended to people close to the then ruling dispensation. He asserts that these acts were in violation of ‘the Assigned Lands Act.,’ and the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013 (for brevity ‘the RFCTLARR Act.,’) amounting to criminal breach of trust and conspiracy to enrich select individuals at the cost of the State exchequer. He therefore seeks a thorough investigation into the misuse of government orders, manipulation of records, and collusion of officials and political leaders in illegally alienating government lands worth crores.

61. Upon receipt of the said report, the ADGP, CID, AP, issued instructions vide Memorandum No. C.No.17/ADG/CID/2021, Dt. 25-02-2021, directing Sri S. Surya Bhaskar Rao, DSP, RO, CID, Vijayawada, to conduct a Preliminary Enquiry and submit a report.

FINDINGS IN BRIEF OF THE PRELIMINARY ENQUIRY REPORT SUBMITTED BY THE DSP, RO, CID:

62. The preliminary enquiry conducted by the DSP, CID, establishes that 'the APCRDA Act.,' and the Land Pooling Scheme Rules, 2015 (G.O.Ms.No.1 dated 01.01.2015) were originally framed to consolidate *patta* lands for capital city development, without extending benefits to assignees, purchasers of assigned lands, or encroachers of Government lands. However, by G.O.Ms.No.41 dated 17.02.2016, the Government introduced amendments that classified four categories of assigned lands and two categories of encroachers, thereby extending eligibility for reconstituted plots even to those in possession of Government lands under assignment or encroachment. The enquiry notes that this amendment was processed despite objections from the Revenue Department, without placing the matter before the Legislature as required under Section 18(4) of 'the APCRDA Act.,' and in contravention of 'the Assigned Lands Act.' The DSP observed that the amendment effectively converted illegal acts into legal entitlements, legitimizing possession of objectionable Government lands and undermining statutory safeguards. The note files reveal that the Commissioner, APCRDA, in his remarks dated 13.01.2016, recommended treating certain assigned lands as *patta* lands and

extending packages to encroachers, which was inconsistent with statutory prohibitions and judicial precedents such as **Dharma Reddy v. Sub-Collector**⁴⁷.

63. The enquiry further highlights that the Commissioner omitted critical legal aspects, relied on irrelevant references, and recommended packages for encroachers and assignees despite clear statutory bars. The report points out that G.O.Ms.No.41 was issued to benefit select individuals by legitimizing possession of Government lands, including objectionable encroachments, thereby undermining revenue laws and assignment policies. The DSP concluded that the process of issuing G.O.Ms.No.41 was marked by anomalies, malfeasance, and deviation from established legal principles, as it sought to regularize encroachments and alienations prohibited under law. The crux of the findings is that the amendment was contrary to 'the APCRDA Act.,' and 'the Assigned Lands Act.,' and revenue policies, and was brought into existence to confer undue benefits upon certain categories of people, thereby warranting further investigation into its legality and propriety.

64. Upon completion of the preliminary enquiry, a report dated 12.03.2021 was submitted. Based on these findings, the ADGP, CID, ordered the registration of the case, and the FIR was registered on 12.03.2021 at 19:00 hours vide Crime No.05/2021.

⁴⁷ AIR 1987 AP 160

AVERMENTS IN BREIF OF THE COUNTER-AFFIDAVIT OF THE 1ST RESPONDENT:

65. In his counter-affidavit filed by Sri A.Lakshmi Narayana, Deputy Superintendent of Police, CID Cyber Crimes, Mangalagiri, it was submitted that during investigation, it was disclosed a deep-rooted, premeditated, and meticulously orchestrated criminal conspiracy of extraordinary magnitude. The Petitioner in Crl.P.No.1763 of 2021, Ponguru Narayana/Accused No.2, who held the esteemed constitutional office of Minister for Municipal Administration and Urban Development and was also the former Vice-Chairman of APCRDA, is alleged to have conspired together with Petitioner in Crl.P.No.1762 of 2021 and other official and non-official accused persons to procure assigned lands, lands belonging predominantly to persons from Scheduled Caste and Scheduled Tribe communities, for illegal pecuniary gain, exploiting his position of power and public trust. It is submitted that such conduct, if established, represents not merely a criminal act but a fundamental betrayal of constitutional office and public duty.

66. It is further submitted that the investigation has unearthed a calculated and sinister *modus operandi* adopted by the accused persons. The henchmen, followers, and *benamis* of the Petitioners systematically approached the poor assignee farmers, predominantly belonging to SC/ST communities, and spread deliberate misinformation and propaganda to the effect that the Government would resume their assigned lands without

payment of any compensation whatsoever. These gullible and unsuspecting peasants, having no other means of livelihood, were thereby placed in a state of immense fear and anxiety. Taking ruthless advantage of this manufactured fear, the agents of the accused induced and compelled the said assignees to part with their lands at nominal prices, far below their true value. This Court must take judicial notice of the fact that such manipulation of vulnerable communities for private gain constitutes the most reprehensible species of criminality, striking at the very heart of social justice.

67. It is further submitted that the investigation has conclusively established that the accused persons, acting in furtherance of their criminal conspiracy, channelled funds amounting to Rs.18.1 Crores through the company of Accused No.3, K.V.P. Anjani Kumar @ Bobby, and through his employees (Accused Nos.7 to 10), to make payments to the assignee farmers. Significantly, the actual purchasers of these lands, the *benamis* and relatives of the Petitioners, paid no consideration directly to the vendor-assignees. The money flowed through a chain of intermediaries, designed deliberately to conceal the identity of the beneficial owner and to sanitize the proceeds of this illegal enterprise. Lands to the extent of Ac.148.21 Cents were thus illegally secured in the names of relatives and associates of Petitioner in Crl.P.No.1763 of 2021 alone. Such elaborate financial engineering is not the conduct of innocent people but is the hallmark of a carefully pre-planned criminal conspiracy.

68. It is further submitted that specific instances of *binami* transactions have been identified and documented during investigation. In one such instance, Puli Sudhakar, s/o late Yesobu, an SC-Madiga assignee of Uddandarayuni Palem village, Thullur Mandal, sold his assigned land to Lakshmisetti Sujatha, the mother of the daughter-in-law of DVS Panakalarao, who is related to Petitioner in Crl.P.No.1763 of 2021, without receiving a single paisa directly from the said purchaser. The consideration was routed through Narayana Institutions to KVP Anjani Kumar @ Bobby (A3), thence to Aluri Venkata Rao, and finally through Kolli Sivaram, an employee of Accused No.3, who issued the cheque to the vendor-assignee. In another transaction, Chikkala Vijaya Saradhi, nephew of Ganta Srinivasa Rao, the co-father-in-law of Petitioner in Crl.P.No.1763 of 2021, similarly purchased land from Komera Rajya Lakshmi (SC), with consideration again routed through Kolli Sivaram, employee of Accused No.3. These transactions, which are submitted, speak for themselves.

69. It is further submitted that the investigation has established beyond reasonable doubt that G.O.Ms.No.41 dated 17.02.2016, which facilitated the transfer of assigned lands, was issued in flagrant disregard of legal and procedural requirements, at the behest of the Petitioners, who used their dominant positions in the Government to override all institutional safeguards. The then District Collector, Kanthi Lal Dande, IAS, the then Joint Collector, Cherukuri Sridhar, IAS, and the then Principal Secretary, Ajay Jain,

IAS, have all voluntarily and categorically deposed that they had appraised Petitioner in Crl.P.No.1763 of 2021 of the serious legal hurdles likely to arise from the issuance of the said GO, but the Petitioner in Crl.P.No.1763 of 2021 responded with the imperious declaration, “Whatever I say is Law, you should follow my instructions.” Furthermore, the Legal Department had not granted clearance, the then Advocate General had not given concurrence, and the mandatory requirement of placing the matter before the Council of Ministers or the State Legislature, as mandated by ‘the APCRDA Act’, was deliberately and consciously bypassed. This is a textbook case of wilful abuse of public office.

70. It is further submitted that in the course of investigation, the Investigating Officer secured a highly incriminating telephonic conversation between Petitioner in Crl.P.No.1763 of 2021 Sri P.Narayana and his daughter Dr. P.Sindhura, extracted from a hard disc seized during search proceedings at the office and residential premises of Dr. Ponguru Sindhura, Managing Director of Narayana Educational Institutions, in the course of investigation in Cr.No.16/2022. In the said recorded conversation, Petitioner in Crl.P.No.1763 of 2021 himself admitted that he had purchased assigned lands, albeit not in his own name. He further acknowledged that if those lands were registered in their names, the previous Government might put them in jail. It is submitted that this voluntary admission by the Petitioner in Crl.P.No.1763 of 2021 constitutes the most compelling evidence of his guilt and renders the present petition for quashing utterly untenable.

71. It is further submitted that the Petitioners have sought to take refuge under the immunity provisions of Section 146 of 'the APCRDA Act'. It is submitted that this contention is entirely misconceived and must be rejected. The protection afforded by Section 146 of 'the APCRDA Act' extends only to acts done in pursuance of and within the scope of 'the APCRDA Act' and provides no shield whatsoever against the commission of cognizable offences under 'the I.P.C.,' 'the SCs/STs (POA) Act', or the AP Assigned Land (Prohibition of Transfer) Act, 1977. The offences alleged in this case are entirely distinct from the legitimate exercise of discretionary powers under 'the APCRDA Act'. The accused are charged with criminal conspiracy, abuse of official position for personal pecuniary gain, and atrocities against SC/ST assignees, conduct that no statute of limited immunity can protect.

72. It is further submitted that the contention of the Petitioners, if any, that sanction under Section 197 of 'the Cr.P.C.,' is a mandatory prerequisite for their prosecution, must be rejected as wholly without merit. It is well-settled law that the protection under Section 197 of 'the Cr.P.C.,' is available only when the act complained of is an act done, or purported to be done, in the discharge of official duty. The acts attributed to the Petitioners herein, namely, hatching a criminal conspiracy with private individuals, routing funds through *benamis*, inducing SC/ST farmers to sell their assigned lands under duress, and issuing a Government Order with the deliberate intent of conferring illegal benefits upon themselves and their associates, bear no reasonable nexus to

the discharge of any official duty. The acts are purely of a private and criminal character, clothed in official garb for the purpose of concealment.

73. It is further submitted that it is a well-settled proposition of law, affirmed repeatedly by the Hon'ble Supreme Court, that the power to quash an FIR under Section 482 of 'the Cr.P.C.,' must be exercised with great circumspection and sparingly. The jurisdiction is not to be invoked merely because the accused are people of influence or because the investigation is politically inconvenient to them. The sole question before this Court at this stage is whether the allegations in the FIR, taken at face value, disclose the commission of cognizable offences. It is submitted that the FIR and the material gathered during investigation, including statements of IAS officers, victim-assignees, and documentary evidence, disclose not merely a *prima facie* case but a robust and substantial case of criminal conspiracy, abuse of official position, fraud upon the State, and atrocities upon SC/ST persons. As held by the Hon'ble Supreme Court in the judgments cited at the Bar, an FIR cannot be quashed without giving reasonable time to the investigating agency to complete its investigation, and interference at a nascent stage of investigation would cause grave prejudice to the cause of justice.

74. It is further submitted that from 2014 to 2016, as many as 932.72 Acres of assigned land witnessed a change in the names of enjoyers, with new people, most of whom are relatives, associates, and *benamis* of the accused, appearing in the revenue records. The assignees who have lost their

lands belong overwhelmingly to the SC and ST communities and weaker sections of society. They have been reduced from landholders to agricultural labourers in their own fields. The estimated illegal gain to the accused, through the exploitation of the Amaravathi Capital City project, is assessed at not less than Rs.600 Crores. It is the solemn duty of this Court, as the sentinel of constitutional values, to allow the investigation to proceed unhindered so that the truth may be fully unravelled and justice may be delivered to the most marginalized sections of society who have been grievously wronged. In the light of the foregoing submissions, it is urged that this Court may be pleased to dismiss the Criminal Petitions filed by the Petitioners and decline to quash the proceedings in Crime No.05/2021.

ORIGIN OF CRIMINAL PETITIONS:

75. Two Criminal Petitions came up for first hearing after their registration before a learned Single Judge of this Court on 19.03.2021. It is profitable and relevant to refer that the learned Single Judge of this Court, Hon'ble Sri Justice Cheekati Manavendranath Roy, on 19.03.2021 granted interim order holding as under:

“ ...
...
...
The petitioners in both the above Criminal Petitions are A1 and A2 in Crime No.5 of 2021 of C.I.D. Police Station, A.P., Amravati, Mangalagiri. They have filed the Criminal Petitions under Section 482 Cr.P.C. seeking quash of the said F.I.R. registered against them and other accused for the offences punishable under Sections 166, 167, 217, 120-B r/w. Secs.34, 35, 36 and 37 of IPC; Section 3(1)(f), (g) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989; and Section 7 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977.

This is yet another case pertaining to the land dispute arising out of acquisition of lands under land pooling scheme introduced under the A.P. Capital Regional Development Authority Act, 2014, (for short, the "A.P. CRDA Act") for establishing a capital city for the present State of Andhra Pradesh.

The 2nd respondent, who is the de facto complainant, is the sitting Member of Legislative Assembly of Mangalagiri Assembly Constituency. He belongs to the present ruling party. He lodged a report with the Additional General of Police, Crime Investigation Department, Mangalagiri of Andhra Pradesh, on 24.02.2021, stating that the erstwhile combined State of Andhra Pradesh, which originally constituted under the States Reorganisation Act, 1956, was bifurcated into two States i.e. the State of Telangana and the State of Andhra Pradesh under the A.P. Reorganisation Act, 2014 and the present State of Andhra Pradesh was formed with effect from 02.06.2014 and in the General Assembly Elections held in the month of April, 2014 for the residuary State of Andhra Pradesh, Telugu Desam Party came into Rule and as there was no capital city for the residuary State of Andhra Pradesh that the said State Government has taken steps to establish a capital city and for that purpose, the A.P. CRDA Act was brought into existence after approval of the Cabinet and after the Bill was passed to that effect in the State Legislative Assembly in the month of September, 2014. It is stated that concept of land pooling was also introduced under the said Act to acquire lands from the peasants and others for the said purpose and accordingly, the lands were acquired.

It is stated that recently some farmers, who are named in his report, approached him stating that the lands assigned to them have also been illegally acquired for the said purpose by making false representations that they can manage to get compensation from the Government and thereby acquired the lands without paying any compensation and that loss was caused to them in this regard.

It is also stated in the said report that the then Chief Minister of the State Sri N.Chandrababu Naidu, brought G.O.Ms.No.41, dated 17.02.2016 incorporating guidelines for acquiring the assigned lands and this G.O.Ms.No.41 was illegally brought into existence in contravention of the prevailing procedure to benefit the close associates of the then Chief Minister and consequently, the assignees were put to loss.

Therefore, he requested to conduct in-depth investigation into the matter by the police.

The Additional Director General of Police, Crime Investigation Department, after considering the contents of the said report lodged by the M.L.A., entrusted the matter to the Deputy Superintendent of Police, C.I.D., Vijayawada, for preliminary investigation. Accordingly, the said Officer has conducted a preliminary investigation and he has submitted his report. Based on the said report, the present F.I.R. came to be registered against the petitioners on 12.03.2021.

Now the petitioners, who are (1) the then Chief Minister and the present Opposition Leader and (2) the Minister for Municipal Administration for the erstwhile Government of Andhra Pradesh, seek quash of the said F.I.R. on the ground that the facts of the case

do not constitute any offences against them for which the F.I.R. was registered and the case has been foisted, out of political rivalry by the present State Government and the de facto complainant, who is the M.L.A., who also belongs to the present Ruling Party and as such, the sought quash of the F.I.R. also mainly on the ground that since the prosecution pertains to the acts purported to have been done by the petitioners in pursuance of the A.P. CRDA Act for the purpose of establishing a capital city and to acquire lands for the said purpose, protection is provided to them from prosecution under Section 146 of the A.P. CRDA Act and specific bar is imposed under the said Act to prosecute any Authority, officer, or person in respect of any act done or purported to have been done by them under the said Act or in pursuance of the said Act or the Rules or Standing Orders made under the said Act. Therefore, the present prosecution is not maintainable against them under law.

Learned Senior Counsel Sri Sidharth Luthra, appearing for A-1, would submit that the facts of the case and the allegations set out in the F.I.R. do not at all constitute any offences punishable under Sections 166, 167, 217, 120-B r/w. Secs.34, 35, 36 and 37 of IPC; Section 3(1)(f).(g) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989; and Section 7 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, for which the F.I.R. is registered and even in the preliminary investigation report also no role was attributed to the petitioners in both the Criminal Petitions regarding any such offences said to have been committed by them. Therefore, learned Senior Counsel Sri Sidharth Luthra would submit that the launching of criminal proceedings against the petitioners is an abuse of process of law besides being malicious in nature.

He then would vehemently contend that in view of the express bar engrafted under Section 146 of the AP CRDA Act, as the main allegation is that the petitioners have brought G.O.Ms.No.41 to acquire lands for the purpose of establishing capital city in contravention of the Business Rules, the said acts are clearly protected under Section 146 of the A.P. CRDA Act and they cannot be prosecuted for any such acts done or purported to have been done under the said Act. So, he would contend that the present prosecution is not at all maintainable under law.

Learned Senior Counsel Sri Dammalapati Srinivas appearing for A-2 would submit that a reading of the contents of the F.I.R. shows that, as per the Note File, the proposal for bringing out the said G.O.Ms.No.41 was initiated by Sri Kantilal Dande, I.A.S., who is the Collector, and thereafter, on completion of the entire process at various levels that the matter was finally placed before the then Chief Minister and the Minister for Municipal Administration Department for approval which clearly indicates that both the petitioners are not the persons responsible for initiating the process of bringing out the said G.O. He would submit that the G.O. was placed before the petitioners only at the final stage for approval. Therefore, he would submit that no offence is made out against these petitioners even from the contents of the F.I.R. He would also reiterate that in view of

the bar contained in Section 146 of the A.P. CRDA Act that the present prosecution against the petitioners is not maintainable.

Learned Additional Advocate General Sri Jasthi Nagabhushan appearing for the 1st respondent State would submit that although the specific role of these two petitioners in violating the Business Rules relating to drafting and bringing into existence the G.O.Ms.No.41, is not mentioned either in the F.I.R. or in the preliminary investigation report, the fact remains established is that they are at the helm of affairs at the relevant time and as such they cannot shun their responsibility. So, the matter requires investigation to find out the specific role played by them in bringing out the said G.O. and at this stage it cannot be held that they have no role to play in bringing out the said G.O. Learned Additional Advocate General would further contend that the material which is now placed before this Court would prima facie show that the Business Rules relating to drafting a G.O. has been grossly violated and it clearly indicates that the G.O. was issued in contravention of the procedure only to benefit the close associates of the petitioners herein which ultimately resulted into causing loss to the assignees of the land, who are landless poor people. Therefore, he would submit with all vehemence that in view of the seriousness of the allegations, the prosecution is to be allowed to proceed with the investigation to find out truth or otherwise of the allegations set out in the F.I.R. He would further submit that as the assignees, who sustained loss in the said process, expressed their grievance before the de facto complainant, who is the sitting M.L.A. that he has lodged the report with the Police to cause enquiry into the matter and to take appropriate legal action in this regard. Therefore, learned Additional Advocate General opposed for grant of stay of investigation in the facts and circumstances of the case.

As regards the bar contained under Section 146 of the A.P. CRDA Act, which is mainly relied on by the learned Senior Counsel in both the Criminal Petitions, learned Additional Advocate General would submit that the bar applies only when the acts are done by both the petitioners in good faith and as the present acts, are done by both the petitioners to do favour to their close associates, it cannot be said that they are protected under Section 146 of the Act. Therefore, the bar engrafted under Section 146 of the A.P. CRDA Act is not applicable to the facts of the case. He would also rely on Section 23 of the A.P. CRDA Act which relates to protection of acts done in good faith. So, according to him, Section 146 has to be read along with Section 23 and when it is shown that the acts are not done in good faith that the protection under Section 146 of the A.P. CRDA Act is not available to them.

In reply to the said argument, learned Senior Counsel Sri Sidharth Luthra would submit that it is not stated in Section 146 of the A.P. CRDA Act that the bar of prosecution applies only to the acts done in good faith. He would contend that as per the language employed in Section 146, since the protection is given to all acts, the present prosecution is clearly barred under law. He would submit that Section 23 cannot be read along with Section 146 of the A.P. CRDA Act and Section 23 is an independent provision and applies in a different

context. He would submit that all acts are done by the petitioners in good faith in the larger interest of the public.

I have considered the above elaborate submissions made by both the learned Senior Counsel for both the petitioners and also the learned Additional Advocate General for the 1st respondent-State.

The substance of the allegations as set out in the F.I.R. primarily show that some persons who are claiming to be assignees of the assigned lands expressed their grievance before the de facto complainant, who is the M.L.A., that the lands assigned to them were acquired for the purpose of establishing a capital city by making false representation compensation to from them would that they Government the get and no compensation was paid to them and they sustained loss in the said process and also that G.O.Ms.No.41 to acquire said lands was brought into existence by the authorities at the helm of affairs at that time to benefit some of the close associates of the then Chief Minister in contravention of the prevailing procedure.

So, the allegations primarily pertain to the alleged contravention of the procedure in the Business Rules meant for issuing G.O.Ms.No.41. Whether it amounts to any offence as alleged is a matter which is required to be decided in the main Criminal Petitions.

In this context, it is relevant to note that G.O.Ms.No.41 was issued long back in the year 2016. Till now the assignees or any person did not raise any demur whatsoever in this regard. They did not question the said G.O. in any Court of law. They also did not lodge any report with the Police for all this length of five years time alleging that they have been cheated in acquiring the lands assigned to them for the purpose of establishing a capital city by making any false representation either by the petitioners or by any person. Now, after lapse of about five years, according to the prosecution version, they approached the de facto complainant, who is an M.L.A. in the present ruling party, expressing grievance in this regard and he lodged the present report with the police on the basis of alleged grievance said to have been expressed before him by the assignees. The genuineness of the said F.I.R. which is now lodged by the M.L.A. is mainly questioned by the petitioners on the ground that he lodged the said report with the police against the petitioners, who are the former Chief Minister and present Leader of Opposition and the former Minister of Municipal Administration, to wreak their political vengeance out of malice against the petitioners. The Court finds considerable force in the above contention raised by the petitioners. When the assignees did not lodge any report with the police for all this length of five years period and even till today and when the report came to be lodged at the instance of the de facto complainant, who is an M.L.A. of the present ruling party, and when the validity of the said criminal proceedings launched on the basis of the said report is primarily questioned on the ground of malice and political vendetta, the matter requires examination in the main Criminal Petitions to ascertain whether the present case is the outcome of malice and political vendetta or not.

In this context, it is relevant to note the very recent and latest judgment of the Supreme Court rendered in the case of **Arnab**

Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427.

The Apex Court held, while considering human liberty vis-à-vis public interest, that no doubt public interest requires that there should be a fair and due investigation of crime and that the inherent power under Section 482 Cr.P.C. r/w. Article 226 of the Constitution of India should be sparingly and cautiously used to quash criminal proceedings. However, at the other end of the spectrum, it is also the duty of the Court to ensure that the criminal law does not become a weapon for harassment of citizens. Courts should be alive to both ends of the spectrum. Further held that, the misuse of the criminal law is a matter which the High Courts and lower Courts must be alive to.

Therefore, in the light of the law enunciated by the Apex Court explaining the duty of the Court while considering a quash petition under Section 482 Cr.P.C. or under Article 226 of the Constitution of India, that the Court must make an endeavour to ensure that criminal law does not become a weapon of harassment of citizens and the same is not misused, the aforesaid defence taken by the petitioners that they have been falsely implicated in this case on account of the political vendetta is required to be examined in detail in the main Criminal Petitions. Certainly, it is a fact to be considered in the present facts and circumstances of the case.

Further, as can be seen from the contents of the F.I.R. and also the preliminary investigation report, prima facie no specific role is attributed to the petitioners herein in contravening the said procedure or in committing any such offences for which the F.I.R. is registered. Apart from it, it is significant to note that Section 146 of the A.P. CRDA Act imposes a specific bar to prosecute any officer, authority or a person for the acts done or acts purported to have been done under the said Act are in pursuance of the said Act. For better appreciation, Section 146 of the A.P. CRDA Act is reproduced hereunder:

"S.146. Bar of Legal proceeding:- No suit, prosecution or the proceeding shall lie against the Government or Authority or officer or person for any act done or purporting to be done under or in pursuance of the Act or the rules or standing orders made thereunder."

Therefore, a bare perusal of the aforesaid Section makes it manifest that no prosecution shall lie against the Government or authority or officer or even any person for any act done or purported to have been done under the Act or in pursuance of the said Act or the Rules or the Standing Orders made thereunder.

Now it is relevant to consider the authoritative judgment rendered by the Apex Court in **State of Haryana v. Bhajan Lal 1992 Supp.(1) SCC 335**. About 7 grounds have been enumerated in the said judgment by the Supreme Court which justifies exercise of the power of the High Court under Article 226 of the Constitution of India or under Section 482 Cr.P.C. for the purpose of quashing the F.I.R. Ground No.6 is relevant in the context to consider. It says that when there is specific bar under the Act to initiate prosecution, it would be a valid ground to quash the F.I.R. It reads thus:

"6. Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal

proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party."

Thus, the Apex Court clearly held that when there is an express legal bar engrafted in the concerned Act to prosecute a person for any such offence, it affords a strong ground for quashing the F.I.R. Obvious reason is, when the accused got immunity from any prosecution in a case where there is express legal bar under the Act, to prosecute them, the very prosecution launched against them would not be maintainable under law.

The facts of the case clearly show that the alleged acts complained against the petitioners pertain to the acts done in pursuance of the A.P. CRDA Act. The entire dispute revolves round and pertains to the lands acquired under the A.P. CRDA Act. Therefore, this Court is of the considered view that prima facie the aforesaid bar under Section 146 of the A.P. CRDA Act clearly applies to the present facts of the case. Although the learned Additional Advocate General made his best efforts to convince the Court that the said bar applies only when the acts are done in good faith and not otherwise, the learned Senior Counsel Sri Sidharth Luthra would contend that there is nothing in the said Section to indicate that the said protection from the prosecution is applicable only to the acts done in good faith. Even otherwise, he would submit that there is nothing to indicate that the petitioners have not done the said acts in good faith. So, in view of the said rival contentions, the matter requires deep examination in the main Criminal Petitions whether the bar contained under Section 146 of the A.P. CRDA Act applies to the present facts of the case and whether the present prosecution is barred or not. This has to be finally adjudicated after the 1st respondent State files its detailed counter-affidavit explaining the same and also after the 2nd respondent, who is the de facto complainant, makes his appearance.

Therefore, prima facie, in view of the express bar engrafted under Section 146 of the A.P. CRDA Act, ultimately, if it is found that the bar applies to the present facts of the case, it goes to the very root of the matter and strikes at its bottom regarding the very maintainability of the prosecution against the petitioners.

As the State seeks to prosecute the petitioners mainly on the ground of alleged violation of Business Rules in issuing G.O.Ms.No.41, another important aspect which needs examination is, whether mere violation of Business Rules in issuing a particular G.O. would constitute any offence without there being any requisite mens rea or guilty intention on the part of the concerned, which is the basic principle of our criminal jurisprudence. At this stage, there is no reliable material on record to hold that the said acts in violating the Business Rules, even if any, in issuing the said G.O., would constitute an offence.

In view of the above, the petitioners could make out a strong prima facie case warranting interference of this Court in exercise of its inherent power under Section 482 Cr.P.C. in the main Criminal Petitions to examine whether the criminal prosecution launched

against the petitioners herein in the above crime amounts to abuse of process of law or not.

Therefore, in the said facts and circumstances of the case, this Court is of the considered view that till the said question is decided after hearing both the parties, that there shall be an order of stay of investigation and other proceedings against the petitioners, who are A1 and A2, till the next date of hearing.

Therefore, there shall be stay of investigation and all further proceedings pursuant to the registration of F.I.R. in Crime No.5 of 2021 of C.I.D. Police Station, A.P., Amaravati, Mangalagiri, against the petitioners, who are A1 and A2, till the next date of hearing."

76. It is not out of place to mention that during proceedings, a learned Single Judge of this Court, Hon'ble Sri Justice Rao Raghunandan Rao, by order dated 16.04.2021, extended the stay earlier granted for a further period of three weeks. Subsequently, another learned Single Judge, Hon'ble Sri Justice Donadi Ramesh, by order dated 12.11.2021, extended the subsisting interim order for a period of eight weeks. Again, on 05.01.2022, Hon'ble Sri Justice Rao Raghunandan Rao, extended the interim order for a further period of six weeks. Thereafter, on 23.02.2022, Hon'ble Sri Justice Donadi Ramesh, learned Single Judge, extended the interim order until further orders.

77. Indeed, as per the roster, when these two Criminal Petitions were listed together before another learned Single Judge, Hon'ble Sri Justice Konakanti Sreenivasa Reddy, on 24.01.2023, a direction was issued to the Registry to obtain necessary orders from the Hon'ble the Chief Justice for posting the matters before an appropriate Bench. Pursuant thereto, the Registry placed a note before the Hon'ble the Chief Justice, who was pleased to direct that the matters be posted before the Hon'ble Judge having roster

provision to hear Criminal Petitions including those seeking quashment of charge sheets and FIRs pertaining to the period 2018 to 2021.

78. Thereafter, another learned Single Judge, Hon'ble Dr. Justice V.R.K.Krupa Sagar, by order dated 30.08.2023, reserved the matters for judgment. However, on 14.12.2023, the matters were relisted under the caption "part-heard," and they have since remained pending adjudication before the said Bench.

79. Subsequently, as per the roster dated 11.07.2025, the cases pertaining to former and sitting MLAs and Members of Parliament (MPs) were assigned to this Court. From thenceforth, the present matters have been heard in part from time to time and from 17.11.2025 onwards the matters have been continuously posted under the caption "part-heard."

80. It is also pertinent to note that, as per roster dated 19.01.2026 note No.3, all matters on change of roster shall stand released and shall be posted before the Bench or Benches as per the roster, while part-heard and reserved matters under the caption "CAV" shall, unless released, remain with the concerned Benches. In view of the said roster note direction, the present two matters continued to remain with this Bench and are further adjudicated from time to time. Later these two Criminal Petitions were reserved for orders on 17.04.2026 and are presently under consideration. In addition to that, on the date of pronouncement of this common order this Court has the roster to hear and dispose of the cases relating to former and sitting MLAs and MPs.

PRINCIPLES OF QUASHING – EXTRAORDINARY JURISDICTION UNDER ARTICLE 226 OF THE CONSTITUTION AND SECTION 482 OF ‘THE Cr.P.C.’

81. The extraordinary jurisdiction under Article 226 of the Constitution and Section 482 of ‘the Cr.P.C.,’ serves as a vital safeguard in the justice system, empowering High Courts to intervene whenever legal processes are misused or manipulated. These provisions are designed not merely to correct technical errors but to uphold the broader principles of fairness, equity, and justice. By granting courts the authority to quash proceedings that amount to harassment or abuse, they ensure that judicial machinery is not exploited for ulterior motives and that individuals are protected from unjust prosecution.

82. The Hon’ble Apex Court in **Mohd. Wajid** *supra* at paragraph Nos.36, 37 & 38 held that when an accused approaches the Court under Section 482 of ‘the Cr.P.C.,’ or Article 226 of the Constitution seeking quashing of an FIR or criminal proceedings on the ground of frivolity, vexatiousness, or ulterior motive, the Court has a duty to scrutinize the matter with greater care. The Court cautioned that complainants driven by personal vengeance often draft FIRs meticulously to disclose all ingredients of an offence, and hence the Court must not confine itself to the averments alone but also examine attending circumstances, materials collected during investigation and even read between the lines to detect abuse of process. It emphasized that multiple FIRs or patterns of litigation may reveal vendetta or grudge, and in such

cases, the Court is empowered to intervene to prevent harassment and misuse of criminal law.

83. The Hon'ble Apex Court in **Mahmood Ali** *supra* at paragraph Nos.11, 12 & 13 held that when an accused seeks quashing of an FIR or criminal proceedings under Section 482 of 'the Cr.P.C.,' or Article 226 of the Constitution on the ground that they are frivolous, vexatious, or instituted with ulterior motives, the Court must scrutinize the matter with heightened care. The Court observed that complainants driven by personal vengeance often draft FIRs meticulously to disclose all ingredients of an offence, and therefore it is not sufficient to examine the averments alone. Instead, the Court must also consider attending circumstances, materials collected during investigation, and, if necessary, read between the lines to detect abuse of process. It emphasized that multiple FIRs or patterns of litigation may reveal vendetta or grudge, and in such cases, judicial intervention is warranted to prevent harassment and misuse of criminal law.

84. The Hon'ble Apex Court in **Haji Iqbal** *supra* at paragraph No.14 held that while exercising jurisdiction under Section 482 of 'the Cr.P.C.,' or Article 226 of the Constitution for quashing criminal proceedings, the Court is not required to confine its scrutiny solely to the averments in the FIR or complaint. Where allegations of *mala fides*, personal vendetta, or abuse of process are raised, the Court must examine the attendant circumstances, the background leading to the initiation of proceedings, and the material collected

during investigation to determine whether the criminal process has been misused. The Court further observed that factors such as the registration of multiple FIRs may be relevant in assessing whether the proceedings are motivated by personal vengeance or ulterior motives.

85. The Hon'ble Apex Court in **Salib** *supra* at paragraph No.26 held that while considering a plea for quashing under Section 482 of 'the Cr.P.C.,' or Article 226 of the Constitution, the Court must not restrict its examination to the averments in the FIR alone. Where allegations of *mala fide* prosecution, personal vendetta, or abuse of process are raised, the Court is empowered to consider the attendant circumstances, antecedent events, and materials collected during investigation to ascertain the true nature of the proceedings. The Court observed that a complaint motivated by ulterior motives may be carefully drafted to disclose the ingredients of an offence, and therefore a deeper scrutiny of the overall factual matrix is warranted to determine whether the criminal process has been misused.

86. The Hon'ble Apex Court in **Bhajan Lal** *supra*, at paragraph Nos.102 & 103 laid down illustrative categories of cases where the extraordinary jurisdiction under Article 226 of the Constitution or the inherent powers under Section 482 of 'the Cr.P.C.,' may be exercised to prevent abuse of process or to secure the ends of justice. These include (1) where allegations in the FIR or complaint, even if taken at face value, do not constitute any offence, (2) where allegations do not disclose a cognizable

offence, (3) where uncontroverted allegations and evidence do not disclose commission of any offence, (4) where allegations disclose only a non-cognizable offence, (5) where allegations are absurd or inherently improbable, (6) where there exists an express legal bar to proceedings, and (7) where proceedings are manifestly *mala fide* or maliciously instituted with ulterior motives. The Court, however, cautioned that the power of quashing must be exercised sparingly, with circumspection, and only in the rarest of rare cases, as courts are not to embark upon inquiries into the reliability or genuineness of allegations at the threshold.

87. The Hon'ble Apex Court in **Lovely Salhotra** *supra*, at paragraph No.3 held that where no cognizable offence is made out against certain accused, the FIR can indeed be quashed in part, and the High Court erred in holding otherwise. The Court observed that the appellants could not be made to suffer merely because investigation against co-accused was still pending, particularly when the Magistrate had already opined that no offence was *prima facie* made out against them. It further noted that the FIR filed against the appellants was an afterthought, intended solely to pressurize them in relation to their own criminal complaint under Section 138 of the Negotiable Instruments Act, 1881. Thus, the Court underscored that continuation of such proceedings would amount to abuse of process of law.

88. The Hon'ble Apex Court in **Ishwar Pratap Singh** *supra* at paragraph No.9 held that the High Court, while exercising its inherent

jurisdiction under Section 482 of 'the Cr.P.C.,' is empowered to quash a charge-sheet even in part, if such intervention is necessary to prevent abuse of process or to secure the ends of justice. The Court clarified that there is no prohibition in law against partial quashing, since an accused may be aggrieved only with respect to certain charges among several offences alleged. It emphasized that a charge-sheet filed at the dictate of an external authority, rather than by the police in exercise of its lawful powers, amounts to abuse of process. Accordingly, the Court quashed the supplementary report filed at the direction of the Commission, reiterating that the High Court ought to have exercised its inherent powers to the extent of the abuse, without being constrained to quash the entire charge-sheet.

89. In **Rajeev Kourav v. Baisahab**⁴⁸, the Supreme Court at paragraph Nos.8 & 10 reiterated that the High Court's power under Section 482 of 'the CrPC.,' to quash criminal proceedings is limited to cases where the FIR or charge-sheet fails to disclose the essential ingredients of the alleged offence or where interference is necessary to prevent abuse of process or secure the ends of justice. The Court emphasized that, at the initial stage, the High Court cannot assess the merits of the evidence or consider the accused's defence, except in exceptional circumstances. If the allegations *prima facie* constitute an offence, criminal proceedings cannot be quashed. The Court further held that statements recorded under Section 161 of 'the

⁴⁸ (2020) 3 SCC 317

Cr.P.C.,’ are inadmissible as evidence and cannot be relied upon while deciding a petition under Section 482 of ‘the Cr.P.C.,’ for quashing proceedings.

MALICIOUS OR FRIVOLOUS PROSECUTION:

90. The Hon’ble Apex Court in **Krishna Lal Chawla** *supra* at paragraph Nos.20, 21, 22, 23 & 26 held that trial Judges and Magistrates bear a constitutional and statutory duty to identify and dispose of frivolous litigation at the earliest stage, thereby safeguarding both judicial time and the fundamental right to liberty under Article 21. Recognising that every trial is a voyage in search of truth, the Court emphasised the wide powers conferred under Section 165 of ‘the Evidence Act.,’ which enable Judges to order production of material and ask questions to stem vexatious proceedings. Stressing the pivotal role of Trial Courts as the “kingpin” of the justice system, the Court warned against misuse of criminal procedure for personal vendetta, noting the severe hardship and stigma suffered by falsely accused persons. It reiterated that frivolous complaints must be nipped in the bud, and that Courts have inherent powers to prevent abuse of process, denying relief to litigants who attempt to pollute the stream of justice with vexatious claims. Thus, the ruling reinforced the responsibility of Trial Courts to act as the first line of defence against harassment and misuse of judicial machinery.

91. The Hon’ble Apex Court in **Gosu Jayarami Reddy** *supra* observed at paragraph No.1 that political rivalry often degenerates into

personal vendetta, where principles and policies are sidelined and personal ambition for power drives individuals to commit grave offences to avenge defeat or settle scores. The Court noted that the appeals before it presented a similar picture, assailing the conviction and sentence passed by the learned Additional Sessions Judge, Anantapur at Gooty, and affirmed by the High Court of Andhra Pradesh. Thus, the judgment underscored the dangers of political enmity transforming into criminal acts, highlighting the judiciary's role in scrutinising such prosecutions with care.

92. The Hon'ble Apex Court in **Ravinder Singh** *supra* at paragraph Nos.21 to 25 & 33 held that legitimate indignation does not amount to malice, as malice in law requires intentional wrongful conduct without just cause or excuse, actuated by ill will or improper motive. The Court clarified that in cases of malicious prosecution, mere malice is insufficient if reasonable and probable cause existed for launching proceedings, and the burden lies on the plaintiff to prove both malice and want of reasonable cause. It further explained that "vexatious" proceedings signify harassment through law without justification, aimed only at annoying or burdening the adversary, thereby amounting to abuse of process. The Court also discussed the principle of issue estoppel, distinct from double jeopardy, which prevents re-litigation of facts already determined in a prior trial between the same parties. Ultimately, the Court stressed that criminal prosecution cannot be used as an instrument of vendetta or needless harassment, and that Courts, exercising their inherent

powers *ex debito justitiae*, have a paramount duty to protect innocent persons from untenable complaints and to prevent continuation of unnecessary judicial process.

93. The Hon'ble Apex Court in **Dilip Kumar Ray** *supra* at paragraph Nos.15 held, the concept of malice in law is not a mere rhetorical flourish but a substantive doctrine of jurisprudence. The Court delineated the distinction between malice in fact, which connotes spite, ill will, or indirect and improper motive actuating an action, and malice in law, which signifies the intentional commission of a wrongful act without lawful excuse, just cause, or probable cause, irrespective of personal animus. It was emphasised that while in common parlance malice is equated with hostility or indignation, in legal contemplation it extends to any deliberate act in conscious disregard of another's rights, a wilful perversion of lawful authority, or an abuse of process for collateral ends. The Court further observed that mere general allegations or indignation cannot suffice; cogent evidence must be available on record to establish *mala fides*. In this context, reliance was placed upon **Prabodh Sagar v. Punjab SEB**⁴⁹, **State of A.P. v. Goverdhanlal Pitti**⁵⁰, **State of Punjab v. V.K. Khanna**⁵¹, and **S.R. Venkataraman v. Union of India**⁵², wherein it was consistently held that ignorance of law cannot absolve one from malice in law, for the law presumes knowledge of its commands. Thus,

⁴⁹ (2000) 5 SCC 630

⁵⁰ (2003) 4 SCC 739

⁵¹ (2001) 2 SCC 330

⁵² (1979) 2 SCC 491

malice imports a corrupt state of mind, a wrongful intent, or an indirect motive, and in the specific context of malicious prosecution, liability arises only where proceedings are instituted without reasonable or probable cause and with an ulterior or illegitimate purpose, thereby converting the machinery of justice into an instrument of oppression. The Court, therefore, crystallised the principle that malice, whether in fact or in law, signifies a conscious violation of law to the prejudice of another, and that the intentional doing of a wrongful act without just cause or excuse constitutes the very essence of legal malice.

DELAY IN LODGING FIR:

94. The Hon'ble Supreme Court has consistently cautioned that unexplained or inordinate delay in initiating or pursuing criminal proceedings often signals *mala fide* intent, reflecting an attempt to misuse the process of law rather than to genuinely seek justice. Such delay undermines the credibility of prosecution and places an unfair burden on the accused, who is left to face prolonged uncertainty and harassment. Recognizing this, the Court has emphasized that when delay appears unjustified and motivated, it may warrant dismissal of proceedings altogether, thereby ensuring that the criminal justice system is not exploited for ulterior purposes and that fairness remains the guiding principle of adjudication.

95. The Hon'ble Apex Court in **Chanchalpati Das** *supra* at paragraph Nos.21, 22 & 25 held that unexplained inordinate delay in filing a criminal complaint, though not by itself an absolute ground for quashing, must be

treated as a crucial factor warranting dismissal when it reflects sheer misuse of process to settle personal scores. In the case at hand, the complaint filed after eight years was found to be malicious prosecution, with allegations so absurd and improbable that no prudent person could conclude there was sufficient ground to proceed. The Court emphasised that frivolous and vexatious litigation clogs the judicial system, driving genuine cases to the background, and therefore parties indulging in such abuse must be saddled with exemplary costs to deter repetition. It further cautioned that when individuals projecting themselves as spiritual leaders engage in such irresponsible litigation, it amounts to misuse of court proceedings for ego or vendetta, which must be curbed in the larger interest of justice.

96. The Hon'ble Apex Court in **Kishan Singh** *supra* at paragraph No.22 held that delay in lodging an FIR must be accompanied by a plausible explanation, failing which such delay may prove fatal to the prosecution. The Court cautioned that frustrated litigants, unsuccessful in civil proceedings, often resort to criminal complaints with *mala fide* intent to harass adversaries or wreak vengeance, and such misuse of criminal jurisdiction cannot be permitted. It emphasized that courts must scrutinize delayed complaints to ensure that criminal process does not degenerate into a weapon of harassment and persecution. Where an FIR is lodged purely out of personal grudge or vendetta, with the sole aim of entangling the other party in

prolonged criminal proceedings, it amounts to abuse of process of law and warrant quashing.

DEFENCE OF THE ACCUSED AT THE STAGE OF QUASHING:

97. It is trite law that at the stage of quashing, the Court is not powerless to consider the defence of the accused if the complaint itself discloses a complete and unimpeachable defence. In such circumstances, where the allegations on their face negate the possibility of guilt or reveal that the prosecution is inherently flawed, the Court is empowered to intervene to prevent unnecessary trial. This principle ensures that the judicial process is not reduced to a mere formality when continuation of proceedings would serve no purpose other than harassment, thereby safeguarding the rights of the accused and upholding the ends of justice.

98. The Hon'ble Apex Court in **Iveco Magirus Brandschutztechnik GMBH** *supra* at paragraph Nos.21, 22, 33, 49, 51, 52, 54, 55, 56, 57, 59, 60, 61, 62 & 64 held that while considering a private complaint of defamation, the Magistrate must apply his judicial mind to the allegations, statements, and supporting materials under Sections 200 and 202 of 'the Cr.P.C.,' to determine whether sufficient ground exists for proceeding, though not for conviction. The Court clarified that although ordinarily the benefit of Exceptions to Section 499 of 'the I.P.C.,' is to be tested at trial, there is no legal bar preventing the Magistrate from considering them at the stage of issuance of process if the complaint itself discloses a complete defence. It emphasised that initiation of

prosecution is a serious matter, and frivolous complaints must be filtered out to prevent abuse of judicial time. The Court harmonised divergent precedents, observing that while some decisions restrict consideration of Exceptions to trial, others permit their application even at the pre-trial or quashing stage under Section 482 of 'the Cr.P.C.,' depending on the facts. Ultimately, it was held that the Magistrate's duty is to form a *prima facie* opinion on whether an offence is made out, and if the allegations themselves fall within an Exception, dismissal of the complaint at the threshold would be justified.

99. The Hon'ble Apex Court in **Vadilal Panchal** *supra* at paragraph Nos.5 to 7, 14 & 15 held that a Magistrate, while dealing with a complaint under Sections 200, 202 and 203 of 'the Cr.P.C.,' is not bound as a matter of law to issue process merely because the accused pleads an exception such as the right of private defence. The Court clarified that if the complaint itself or the materials placed before the Magistrate disclose a complete defence under any exception, the Magistrate would be justified in dismissing the complaint at the threshold for want of sufficient ground to proceed. It rejected the High Court's view that the Magistrate could not consider the plea of self-defence at the pre-trial stage, observing that the Presidency Magistrate had rightly concluded, on the basis of witness statements and inquiry reports, that no offence was made out and there was no sufficient ground for proceeding. Thus, the Court affirmed that the Magistrate has the discretion to apply judicial

mind to the materials before him and dismiss frivolous complaints where a complete defence is apparent.

LIMITS OF JUDICIAL REVIEW IN POLICY MATTERS:

100. On the issue of public knowledge regarding the plan for creation of a capital and the limits of judicial review in policy matters, it has been held that Courts must exercise restraint and cannot substitute their own judgment for that of the executive in such decisions. Matters of policy fall within the domain of the government, and judicial interference is warranted only when such policies infringe upon fundamental rights or violate constitutional provisions. This principle ensures that governance remains within the sphere of the executive, while the judiciary acts as a constitutional safeguard, stepping in only when individual rights or constitutional mandates are at risk.

101. In **Dammalapati Srinivas** *supra* a learned Single Judge of this Court categorically held at paragraph Nos.52, 54 to 56, 59, 60, 68 & 72 that the mere purchase of lands by A-1 and his relatives in the proposed capital region, without any proof of his participation in the decision-making process or possession of exclusive official knowledge, cannot amount to criminal misconduct under Section 13(1)(d)(ii) of 'the P.C.Act'. The Court observed that the location of the capital was already a matter of public speculation and widely reported in newspapers, thereby negating any allegation of misuse of confidential information. Consequently, the attempt to criminalize valid property transactions executed under registered sale deeds for lawful

consideration was found unsustainable, and the prosecution under the said provisions was declared untenable.

102. In **Chekka Guru Murali Mohan v. State of A.P.**, *supra* a learned Judge of this Court decisively held at paragraph Nos.24, 38, 43, 44, 84, 87, 88, 102 to 104, 107, 119 & 120 that the prosecution's attempt to criminalize *bona fide* land transactions was wholly untenable. It observed that *locus standi* to lodge a criminal complaint is alien to criminal law, since every offence is against society, and thus any person may set the law in motion. However, the Court rejected the State's reliance on the concept of insider trading, clarifying that it is confined to securities under the SEBI Act and cannot be imported into 'the I.P.C.,' to criminalize private sales of immovable property. Importantly, the Court reiterated that the right to property is not only a constitutional and statutory right but also a human right, and that buyers have no legal obligation to disclose speculative information about future capital location to sellers. Since the alleged information was already in the public domain through widespread newspaper reports, non-disclosure could not amount to "dishonest concealment" under Section 415 of 'the I.P.C.' The Court warned that criminalizing such transactions would open floodgates of speculative prosecutions whenever land values rise, which the law does not permit. Consequently, it held that no offence under Sections 420, 406, 409, or 120-B of 'the I.P.C.,' was made out, branding the prosecution as an abuse of process and quashing the FIR.

103. In **State of A.P. v. Chekka Guru Murali Mohan** *supra*, the Hon'ble Supreme Court affirmed at paragraph Nos.6, 15, 18 the High Court's reasoning that the alleged information regarding the location of the new capital city was already in the public domain at the time of the land transactions, thereby negating any claim of concealment or misuse of official knowledge. It upheld the finding that offences under Sections 406 and 409 of 'the I.P.C.,' were inapplicable as no breach of trust was involved, and Section 120-B of 'the I.P.C.,' was equally inapplicable in the absence of any criminal conspiracy. The Court further observed that since the transactions concerned private individuals and private lands, the Prevention of Corruption Act could not be invoked, and reiterated that courts must necessarily examine the factual substratum of an FIR to determine whether it discloses any cognizable offence. Concluding that the High Court's quashing of the FIRs was neither perverse nor illegal, the Supreme Court held that the prosecution amounted to an abuse of process and rightly stood quashed.

INTERPRETATION OF STATUTES:

104. On the issue of statutory interpretation, it is a well-settled principle that the language of one statute cannot be mechanically imported into another, as each statute is a self-contained code with its own purpose, context, and legislative intent. Courts are required to interpret provisions strictly within the framework of the statute in question, giving effect to the words used by the legislature without borrowing meanings from unrelated

enactments. This ensures that the distinct objectives of different laws are preserved, prevents distortion of legislative intent, and maintains the integrity of statutory interpretation as a discipline rooted in precision and contextual fidelity.

105. The Hon'ble Apex Court in **Maheshwari Fish Seed Farm** *supra* at paragraph Nos.6 to 9, 11, 16 held that words not defined in a statute must be construed in their ordinary and popular sense, as legislation is addressed to common understanding. While "agriculture" in its wider sense may include cultivation, horticulture, forestry, and livestock rearing, the Court emphasized that the productive use of land is essential for an activity to qualify as agriculture. Pisciculture, being the artificial breeding and rearing of fish independent of land's productive capacity, cannot be equated with agriculture. The Court rejected reliance on definitions in other statutes that artificially included pisciculture, noting that such enactments were not *pari materia* and that definitions in one statute cannot control interpretation in another. Consequently, pisciculture was held not to fall within the ambit of "agriculture" in the context of the case.

SCOPE OF SECTION 197 OF THE CR.P.C.

106. Protection under law for acts done by public officials is not absolute; it is available only when the act in question bears a reasonable nexus with the discharge of official duty. The rationale is that immunity exists to enable officials to perform their functions fearlessly and effectively, not to

shield them from accountability for actions that are wholly unrelated to their service obligations. Therefore, when an act is *dehors* or outside the scope of official functions, such protection cannot be extended, ensuring that the doctrine of immunity is not misused and that public servants remain answerable for conduct beyond their lawful duties.

107. The Hon'ble Apex Court in **Om Prakash Yadav** *supra* held at paragraph Nos.18, 19, 49 to 74, that the protection under Section 197 of 'the Cr.P.C.' is not absolute and cannot be invoked for every act of a public servant merely because it was done during service. Rather, the true test lies in whether the act bears a direct and reasonable nexus with the discharge of official duty, such that it can reasonably be claimed to have been performed by virtue of the office. The Court reiterated that while excess in the performance of duty may still attract protection if reasonably connected to official functions, acts of criminal conspiracy, misappropriation, fabrication, or misuse of authority fall *dehors* official duty and cannot be shielded under Section 197 of 'the Cr.P.C'. Emphasizing the "quality of the act" as the determinative factor, the Court clarified that sanction is intended to safeguard honest officers from frivolous prosecution but cannot be used as a cloak for illegality or misconduct. Thus, the applicability of Section 197 of 'the Cr.P.C.', must be assessed case by case, balancing the need to protect *bona fide* discharge of duty with the imperative of ensuring accountability for acts unconnected with official functions.

108. The Hon'ble Supreme Court in **CBI v. B.A. Srinivasan**⁵³, at paragraph No.15 held that the protection contemplated under Section 197 of 'the Cr.P.C.,' is available only when the act complained of bears a reasonable and direct nexus with the discharge of official duties, such that the impugned act is inseparably connected with the performance of the public servant's official functions. The Court observed that an official act may be performed either in faithful discharge of duty or even in dereliction thereof; however, for the statutory protection to apply, it must be demonstrated that the act in question was so integrally connected with official responsibilities that it cannot be divorced from the performance of such duties. Where the alleged misconduct lacks a reasonable connection with the discharge of official functions and the official status of the accused merely furnished the occasion or opportunity for the commission of the act, the requirement of prior sanction would not arise. The Hon'ble Court further emphasized that the question of whether the offending act was committed while acting or purporting to act in the discharge of official duty is often a mixed question of law and fact, which may crystallize only after evidence is adduced during trial. Consequently, the plea regarding sanction under Section 197 of 'the Cr.P.C.,' is not confined to the threshold stage and may be legitimately raised at any stage of the proceedings, including after cognizance, at the stage of framing of charge, during trial, or even subsequent to conviction. In cases where the

⁵³ (2020) 2 SCC 153

determination of such issue necessitates appreciation of factual material and examination of the defence of the accused, the Court may appropriately leave the question of sanction open to be adjudicated upon in the final judgment after the evidentiary record is fully developed. Thus, the Hon'ble Court reiterated that the applicability of Section 197 of 'the Cr.P.C.,' depends upon the existence of a real, reasonable, and inseparable nexus between the impugned act and the official duties of the public servant, and not merely upon the official position held by the accused.

109. A learned Judge of this Court in **Kothuri Laxmi Narayana v. State of Andhra Pradesh**⁵⁴, at paragraph No.13 held that the protective sanction contemplated under Section 197 of 'the Cr.P.C.,' is attracted only when the acts complained of are reasonably connected with and performed while acting or purporting to act in the discharge of, official duties. The Court observed that merely because the accused was a public servant holding a statutory office at the relevant point of time would not ipso facto entitle him to the immunity envisaged under Section 197 of 'the Cr.P.C.'. The true test is whether the impugned act formed an integral part of the official functions entrusted to the public servant. Where the allegations pertain to the issuance, creation, or facilitation of false or fabricated official records, certificates, or documents, such conduct cannot, by any stretch of legal imagination, be regarded as an act in the discharge of official duty. This Court emphasized

⁵⁴ 2022 SCC OnLine AP 942

that acts involving forgery, fabrication, or abuse of official position stand wholly outside the scope of legitimate official functions and constitute a clear departure from, rather than an exercise of, statutory duties. Consequently, in the absence of any reasonable nexus between the alleged misconduct and the discharge of official responsibilities, the protection under Section 197 of 'the Cr.P.C.,' is unavailable, and criminal proceedings cannot be interdicted on the ground of want of sanction. This Court therefore held that where the allegations disclose acts *ex facie* beyond the ambit of official duty, no ground is made out for the exercise of inherent jurisdiction under Section 482 of 'the Cr.P.C.,' to quash the proceedings at the threshold.

RULE-MAKING AUTHORITY AND DIRECTORY NATURE OF LAYING PROVISIONS:

110. On the issue of the power to make and amend rules, it is trite law that the laying provisions are directory in nature and not mandatory. The Court clarified that rules framed under statutory authority attain validity upon their publication in the Official Gazette, and the act of laying them before the legislature is not a condition precedent to their enforceability. This principle underscores the distinction between legislative oversight and the operative force of delegated legislation, ensuring that administrative rule-making remains effective without being stalled by procedural formalities.

111. In **Sanikommu Venkata Sai Bharath Reddy** *supra* at paragraph Nos.23 & 25 the Court held that the Telangana Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983 was

enacted by the State Legislature under Entry 25 of the Concurrent List, and that Sections 3 and 15 of the Act empower the State Government to regulate admissions and frame rules for carrying out the purposes of the Act. The Telangana Educational Institutions (Regulation of Admissions into Undergraduate Professional Courses through Common Entrance Test) Rules, 2017 were framed in exercise of these statutory powers. The Court further observed that Section 15 of the Telangana General Clauses Act, 1308 *Fasli* provides that the power to make rules includes the power to add, vary, amend, or rescind them; therefore, the State Government is competent to amend the 2017 Rules. Since the validity of Sections 3 and 15 of the 1983 Act was not challenged by the petitioners, the State's authority to amend the Rules remained unquestionable.

112. The Hon'ble Apex Court in **Toddy Tappers Coop. Society** *supra* at paragraph Nos.18, 21 to 29, 32 & 33 held that the requirement of laying subordinate legislation before both Houses of the Legislature is directory and not mandatory, and therefore non-compliance with such laying provisions does not render the rules or notifications void. The Court, relying on **Atlas Cycle Industries Ltd. v. State of Haryana**⁵⁵, and **Quarry Owners' Assn. v. State of Bihar**⁵⁶, clarified that laying clauses serve as a legislative check on executive action but do not constitute a condition precedent to validity. It distinguished between "approval" and "permission," noting that approval

⁵⁵ (1971) 2 SCC 564

⁵⁶ (2000) 8 SCC 655

validates an act already done unless disapproved, whereas permission must precede the act. The Court further observed that in the instant case, the Respondents had incurred only civil liability under the licence conditions and the Excise Act, and not criminal liability, and hence strict adherence to Rule 24 was unnecessary. Even if retrospective effect of the rule was questioned, the provision was directory, and non-compliance would not vitiate proceedings for suspension of licence, as Respondents could still defend themselves by testing samples independently.

113. The Hon'ble Apex Court in **Jan Mohd. Noor Mohd. Bagban** *supra*, at paragraph No.18 held that the rules framed under the Bombay Act 22 of 1939 were valid from the date they were made under Section 26(1), and their validity was not dependent upon being placed before the Houses of Legislature as required under Section 26(5). The Court observed that although the provision mandated laying the rules before the Legislature, failure to do so did not affect their legality, since Section 26(5) was directory and not mandatory in nature. The rules, having been in operation since 1941, continued to remain valid by virtue of Section 64 of the Gujarat Act 20 of 1964, and the contention that they lacked legal force due to delayed placement before the Legislature was rejected.

114. A learned Single Judge of this Court in **Ester Axene Residential High School** *supra* at paragraph Nos.35 to 41 held that under Section 99(3) of the A.P. Education Act, the requirement of laying rules before the State

Legislature is directory and not mandatory, and therefore non-compliance with this procedure does not render the rules void. The Court observed that the 2018 Rules, notified in G.O.Ms.No.43 dated 09.08.2018, became valid and enforceable upon publication in the State Gazette, and omission to lay them before the Legislature until its next session does not affect their legality. Referring to precedents such as **Jan Mohd. Noor Mohd. Bagban** *supra*, **Atlas Cycle Industries** *supra* and **K.T. Plantation (P) Ltd. v. State of Karnataka**⁵⁷, the Court emphasized that laying provisions are intended to ensure legislative oversight but are not conditions precedent to the validity of delegated legislation. Consequently, the deviation from Section 99(3) did not annul the rules, and the Petitioners' contention was rejected, affirming that G.O.Ms.No.43 amending Rule 12 and omitting Rule 13 remained valid.

115. The High Court of Telangana in **Chidurala Sudakar** *supra*, at paragraph Nos.83 to 90 held that the requirement under Section 99(3) of the A.P. Education Act for rules to be laid before the State Legislature is directory and not mandatory, and therefore omission to comply with it does not affect the validity of the rules or their coming into force. The Court explained that rules become effective upon publication in the State Gazette, and any subsequent annulment or modification by the Legislature (once notified) would operate prospectively without invalidating prior actions. It distinguished between different types of laying clauses, noting that Section 99(3) falls under

⁵⁷ (2011) 9 SCC 1

the “negative resolution” category, meaning rules remain valid unless annulled or modified. The Court rejected the contention that legislative approval was a precondition, clarifying that the 2018 Rules came into force immediately upon notification in the Gazette and remained valid until annulled or modified. Reliance on **Union of India v. National Hydroelectric Power Corporation Ltd.**,⁵⁸ was found misplaced, as that case involved a statutory requirement of approval, unlike Section 99(3).

JUDICIAL PRECEDENTS INTERPRETING SCs/STs (POA) ACT:

116. It has been firmly held that for prosecution under ‘the SCs/STs (POA) Act.,’ the *intention to humiliate a person on account of their caste* is the sine qua non. Mere occurrence of an incident or use of offensive language, without the specific element of caste-based humiliation, does not attract the provisions of the Act. This requirement ensures that the law is applied strictly to cases where the abuse is rooted in caste discrimination, thereby preserving its purpose of protecting vulnerable communities while preventing misuse in situations where caste is not the motivating factor.

117. The Hon’ble Apex Court in **Hitesh Verma** *supra* at paragraph Nos.9, 15 to 18, 22 & 23 held that mere existence of a property dispute between parties, where one happens to belong to a Scheduled Caste, does not by itself attract offences under ‘the SCs & STs (POA) Act.,’ unless the abuse, intimidation, or harassment is specifically on account of the victim’s

⁵⁸ AIR 2001 SC 2512

caste. The Court clarified that the essential ingredient of Section 3(1)(r) of 'the SCs & STs (POA) Act.,' is the intention to humiliate a person because they belong to a Scheduled Caste or Scheduled Tribe, and not merely because of a civil dispute over possession of land. Referring to **Khuman Singh v. State of M.P.**,⁵⁹ and **Ishwar Pratap Singh supra** the Court reiterated that enhanced punishment or prosecution under 'the SCs & STs (POA) Act.,' cannot be sustained unless the offence is committed solely on the ground of caste identity, and further recognized that charge-sheets can be quashed in part under Section 482 of 'the Cr.P.C.,' to prevent abuse of process. Consequently, the charge-sheet against the appellant under Section 3(1)(r) was quashed.

118. In **Budapap v. State of A.P.**⁶⁰, this Court at paragraph No.9 held that mere use of abusive words referring to a person's caste does not by itself constitute an offence under Section 3(1)(x) of 'the SCs & STs (POA) Act.' To attract the provision, there must be a clear intention to insult, intimidate, or humiliate a member of a Scheduled Caste or Scheduled Tribe on account of their caste and within public view. Where the alleged caste-based remarks arise incidentally during a personal dispute or quarrel and the complaint does not disclose any specific intention to humiliate the victim because of their caste, the essential ingredients of the offence are not satisfied. This Court further observed that vague and omnibus allegations against all accused, without specifying who uttered the offending words, are insufficient to sustain

⁵⁹ (2020) 18 SCC 763

⁶⁰ 2006 SCC OnLine AP 1449

prosecution under Section 3(1)(x). Accordingly, finding that the dispute was personal in nature and not motivated by caste-based humiliation, the Court quashed the proceedings, while leaving the complainant at liberty to pursue remedies for any other offences disclosed.

119. In **Gara Yesobu v. State of A.P.**⁶¹, the Andhra Pradesh High Court at paragraph Nos.4 & 8 held that an offence under Section 3(1)(x) of ‘the SCs & STs (POA) Act’ can be committed only by a person who is not a member of a Scheduled Caste or Scheduled Tribe against a victim belonging to an SC/ST community; therefore, if both the accused and the victim belong to SC/ST communities, the provision is not attracted. The Court further emphasized that Rule 7 of the SC/ST (Prevention of Atrocities) Rules, 1995 mandates that offences under the Act must be investigated by a police officer not below the rank of Deputy Superintendent of Police, and since the term “shall” is mandatory, any investigation conducted by a lower-ranking officer is vitiated. Accordingly, where the investigation was carried out by an Inspector of Police rather than a Deputy Superintendent of Police, the charge-sheet under Section 3(1)(x) was held invalid and was quashed.

INVESTIGATION, FRAMING OF CHARGE, AND QUASHING:

120. In this regard, it is apposite to refer to the judgments of the Hon’ble Apex Court in **S.N. Sharma v. Bipen Kumar Tiwari**⁶², at paragraph Nos.5 to 7 and 10 held that under the scheme of ‘the Cr.P.C.,’ the power of the

⁶¹ 2004 SCC OnLine AP 1282

⁶² (1970) 1 SCC 653

police to investigate cognizable offences is independent and uncontrolled by the Magistrate, and the Magistrate cannot interfere with or stop such investigation; rather, Section 159 of 'the Cr.P.C.,' confers only a limited power on the Magistrate to ensure that the police do not abuse the proviso to Section 157(1) of 'the Cr.P.C.,' by refusing to investigate, and in such cases, if he thinks fit, the Magistrate may either direct an investigation or himself proceed or depute a subordinate Magistrate to hold a preliminary enquiry, but this power is strictly an alternative to the first clause and not an unqualified authority to intervene in ongoing police investigations.

121. The Hon'ble Apex Court in **Nand Kishore Tamakhuwala** *supra*, at paragraph No.6 held that the Bihar State Electricity Board could not be treated as a licensee for the purpose of initiating prosecution under Section 42(b) of the Electricity Act, and further observed that the complaint disclosed no specific acts of omission or commission attributable to the Board or the accused persons, nor did it clearly establish the duty cast upon any particular individual who allegedly failed to discharge it; the Court also noted that the matter appeared to have suffered from a long lapse of time, with the complainant seemingly losing interest, as evidenced by the absence of representation on behalf of the respondent-complainant.

122. A learned Single Judge of this Court in **Dharama Reddy v. Sub-Collector Bodhan Nizamabad District**⁶³, at paragraph No.11 held that

⁶³ 1986 SCC OnLine AP 141

Section 3(1) of 'the Assigned Lands Act.,' not only prospectively prohibits transfers of assigned lands after the commencement of the Act, but also retrospectively declares that all transfers made prior to its coming into force are null and void, non est in law, and incapable of vesting any right or title in the transferee; while affirming this interpretation, the Court clarified that it remains open to a Petitioner to establish, on the facts of a particular case, that Section 3(1) does not apply or that the case falls within the exemption under Section 3(5), and directed that the Writ Petitions be placed before a single Judge for disposal without avoidable delay.

123. The Hon'ble Supreme Court in **Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre**⁶⁴, at paragraph No.7 held that while considering a prayer for quashing a prosecution at the initial stage, the test to be applied is whether the uncontroverted allegations *prima facie* establish the offence, and the court must also examine any special features of the case to determine whether it is expedient and in the interest of justice to allow the prosecution to continue. Further, recognising that the judicial process cannot be used for oblique purposes, the Court observed that where the chances of ultimate conviction are bleak and no useful purpose would be served by permitting the prosecution to proceed, the court may quash the proceedings even at a preliminary stage.

⁶⁴ (1988) 1 SCC 692

124. The Hon'ble Apex Court in **Hridaya Ranjan Prasad Verma v. State of Bihar**⁶⁵, at paragraph No.16 held that the essential ingredients of the offence of cheating under Section 420 of 'the I.P.C.,' and allied offences under Sections 418 and 423 were not made out and further observed that even the basic allegations necessary to constitute offences under Sections 469, 504 and 120-B were absent in the complaint. Noting that the allegations did not disclose any intentional deception or dishonest intention at the inception of the transaction, the Court concluded that the case fell within the first category of instances laid down in **Bhajan Lal supra** and that continuation of the criminal proceedings would amount to an abuse of the process of law, thereby quashing the complaint and setting aside the High Court's refusal to do so.

125. The Hon'ble Supreme Court in **K.K. Patel v. State of Gujarat**⁶⁶, at paragraph Nos.16 & 17 held that the offences alleged squarely fell within the ambit of "acts done under the colour or in excess of any duty or authority" of a police officer, since the very ingredients of the offences required that they be committed in the cloak of a public servant or at least under the colour of office. Specifically, Section 166 of 'the I.P.C.,' mandates that the offender must be a public servant disobeying a legal direction with intent to cause injury, and similarly, the pivotal ingredient for offences under Sections 167 and 219 of 'the I.P.C.,' is the public servant's misuse of authority, while the remaining offences alleged were ancillary and part of the same transaction, all of which could not

⁶⁵ (2000) 4 SCC 168

⁶⁶ (2000) 6 SCC 195

have been committed without the appellants acting under the colour of their office.

126. The Hon'ble Apex Court in **R. Sai Bharathi v. J. Jayalalitha**⁶⁷, at paragraph Nos.46 to 50 held that the offence under Section 169 of 'the I.P.C.,' which prohibits a public servant from unlawfully buying or bidding for property, is incomplete unless supported by a specific statutory enactment imposing such prohibition. Mere executive instructions or codes of conduct, such as the Code of Conduct for Ministers issued by the Government of Tamil Nadu, do not have statutory force and cannot be elevated to the level of law to constitute a legal prohibition enforceable in a court of law. The Court clarified that while such codes carry ethical and moral weight, they remain guidelines without legal sanction, and therefore any breach thereof cannot amount to an offence under Section 169 of 'the I.P.C.,' or even be treated as unlawful within the meaning of Section 43 of 'the I.P.C.,' ultimately concluding that the prosecution had failed to establish the offence alleged.

127. The Hon'ble Supreme Court in **Inder Mohan Goswami v. State of Uttaranchal**⁶⁸, at paragraph Nos.23, 24, 27 & 46 held that the inherent powers of the High Court under Section 482 of 'the Cr.P.C.,' are wide and exist to secure the ends of justice, prevent abuse of the process of the court, and give effect to orders under the Code. However, such powers must be exercised sparingly, carefully, and with great caution, ensuring that legitimate

⁶⁷ (2004) 2 SCC 9

⁶⁸ (2007) 12 SCC 1

prosecutions are not stifled prematurely, especially when facts are incomplete or evidence is yet to be collected. The Court emphasized that criminal prosecution should not be permitted as an instrument of harassment, private vendetta, or ulterior motive, and while no rigid rule can be laid down, the exercise of inherent jurisdiction must always be guided by the statutory tests and sound judicial principles, thereby setting aside the impugned judgment.

128. The Hon'ble Apex Court in **State of U.P. v. Chaudhari Ran Beer Singh**⁶⁹, at paragraph Nos.10 & 13 held that in matters of policy decisions such as the creation of a district or State, the scope of judicial interference is extremely limited, and courts should not substitute their own judgment for that of the executive unless infringement of fundamental rights is clearly shown. The Court emphasized that policy decisions must be left to the Government, which alone is competent to weigh all relevant aspects, and even if a second view is possible, the judiciary cannot interfere merely on that ground, thereby finding the High Court's interference on irrelevant considerations to be erroneous.

129. The Hon'ble Supreme Court in **Imtiyaz Ahmad v. State of U.P.**,⁷⁰ at paragraph Nos.55 & 56 held that while the High Courts possess unquestionable authority to grant stay of investigation or trial in deserving cases, such extraordinary power under Section 482 of 'the Cr.P.C.,' must be exercised sparingly, with due caution and circumspection, only to prevent

⁶⁹ (2008) 5 SCC 550

⁷⁰ (2012) 2 SCC 688

abuse of process and to secure the ends of justice. Once exercised, the High Court must ensure expeditious disposal of the proceedings, preferably within six months, so that the stay does not result in undue delay or erosion of faith in the justice delivery system. The Court further emphasized that although the Supreme Court has no power of superintendence over the High Courts, it can issue guidelines in public interest to improve the administration of justice, thereby underscoring that criminal prosecution should not be misused as an instrument of harassment or vendetta.

130. The Hon'ble Apex Court in **Rajiv Thapar** *supra* at paragraph Nos.28 to 30 held that while exercising jurisdiction under Section 482 of 'the Cr.P.C.', the High Court must act with caution and circumspection, as this stage is not meant for evaluating the truthfulness of allegations or the weight of defences raised by the accused. The Court clarified that quashing of proceedings before trial can only be justified if the material produced by the accused is of sterling and impeccable quality, sufficient to rule out and displace the prosecution's assertions, and incapable of being justifiably refuted. It laid down a four-step test: (i) whether the defence material is sound and indubitable, (ii) whether it rules out the factual assertions in the complaint, (iii) whether it remains unrefuted or irrefutable, and (iv) whether continuing the trial would amount to abuse of process and not serve the ends of justice. If all these conditions are satisfied, the judicial conscience of the High Court should

persuade it to quash the proceedings, thereby saving valuable court time and preventing misuse of criminal prosecution.

131. The Hon'ble Supreme Court in **Satishchandra Ratanlal Shah v. State of Gujarat**⁷¹, at paragraph Nos.9 & 10 held that at the stage of framing of charges, the Trial Court must apply its judicial mind to the material placed before it and determine whether a *prima facie* case exists, keeping in mind that such an order substantially affects the liberty of the accused and must not cause irreparable harm. The Court further clarified that quashing of charges by the High Court under Section 482 of 'the Cr.P.C.,' is permissible only in exceptional circumstances, and at this preliminary stage the enquiry is confined to a *prima facie* examination of the material rather than an assessment of the quality or quantity of evidence, reiterating the principle laid down in **State of Bihar v. Ramesh Singh**⁷².

LIMITS ON THE QUASHING JURISDICTION:

132. The Hon'ble Apex Court in **Hasmukhlal D. Vora v. State of T.N.**,⁷³ stressed at paragraph No.27 that while quashing of criminal complaints must indeed be reserved for the "rarest of rare" cases, the High Court has a duty to examine each matter in detail to prevent miscarriage of justice. The Court criticized the High Court for failing to consider the facts and circumstances properly, reiterating that law is a sacrosanct entity meant to

⁷¹ (2019) 9 SCC 148

⁷² (1977) 4 SCC 39

⁷³ (2022) 15 SCC 164

serve justice, and frivolous cases should not be allowed to pervert its nature. Thus, the ruling reinforced the responsibility of Courts to ensure that baseless prosecutions do not undermine the integrity of justice.

133. The Hon'ble Apex Court in **Kaptan Singh v. State of U.P.**,⁷⁴ clarified at paragraph No.9.1 that the scope of the High Court's powers under Section 482 of 'the Cr.P.C.,' when quashing criminal proceedings. It held that once investigation is complete, statements are recorded, evidence is collected, and a charge-sheet has been filed, the matter stands on a different footing compared to the stage of FIR. At this stage, the High Court must consider the material collected during investigation, but it cannot act like an investigating agency or an appellate court by appreciating evidence or drawing inferences. The Court emphasised that the High Court's role is limited to examining whether the FIR and prima facie material disclose a cognizable offence, not to adjudicate on merits. In this case, the High Court erred by quashing proceedings without considering the evidence collected and the charge-sheet filed, thereby exceeding its jurisdiction.

134. The Hon'ble Apex Court in **P. Dharamaraj v. Shanmugam**⁷⁵, at paragraph Nos.51 to 53 held that Courts must exercise great caution while quashing criminal proceedings under Section 482 of 'the Cr.P.C.,' or Article 226 of the Constitution on the basis of compromise, especially when the offences have wider societal impact beyond the complainant and accused. In

⁷⁴ (2021) 9 SCC 35

⁷⁵ (2022) 15 SCC 136

this case, corruption in securing employment in the Transport Corporation was involved, with two categories of persons, those who paid money and got appointments, and those who paid but failed. The Court reasoned that allowing compromise for the second category (refund of money) would indirectly validate the illegal appointments of the first category. It emphasized that corruption by public servants is an offence against the State and society at large, and cannot be treated like a private dispute capable of settlement. Therefore, the High Court erred in quashing the criminal complaint on the basis of compromise, as such action would undermine the fight against corruption and abuse of official position.

135. The Hon'ble Apex Court in **Somjeet Mallick v. State of Jharkhand**⁷⁶, clarified at paragraph Nos.15, 17 to 20 that the principles governing quashing of FIRs or criminal proceedings at the threshold. It held that at this stage, the allegations in the FIR, complaint, or police report, along with materials collected during investigation, must be taken at face value to determine whether a *prima facie* case exists. The Court emphasised that correctness of allegations is not to be tested at this stage, since an FIR is not an encyclopaedia of all imputations, what matters is the gravamen of accusations disclosing a cognizable offence. It further explained that only after investigation, at the stage of framing charges, the Court can assess which specific offence is made out, or discharge the accused if warranted.

⁷⁶ (2024) 10 SCC 527

Importantly, once a police report under Section 173(2) of 'the Cr.P.C.,' has been submitted, the Court must apply its mind to the materials collected before deciding on quashing. In the case at hand, allegations of dishonest conduct in failing to pay rent for a hired truck required investigation, as they could amount to criminal breach of trust, and hence quashing the FIR at the threshold was unjustified.

136. A learned Single Judge of this Court in **M. China Hari Babu** *supra* at paragraph Nos.9 & 10 it has examined the scope of investigation by the Crime Investigation Department (CID) under Standing Order No. 866-1 of the A.P. Police Manual. The Court noted that the CID is ordinarily tasked with investigating serious and specialized categories of crimes such as counterfeit currency, professional poisoning, theft of government arms, terrorism, narcotics trafficking, organized crime, financial frauds, inter-State conspiracies, and politically motivated offences. Importantly, the Court emphasized that no enquiry or investigation can be taken up by the CID without prior orders of the Additional DGP CID or the DGP. Thus, the ruling clarified that CID's jurisdiction is limited to specific classes of crimes and requires proper authorization before commencing investigation, ensuring that its specialized role is not misused or extended beyond mandate.

137. In **Union of India v. Prakash P. Hinduja**⁷⁷, the Hon'ble Supreme Court at paragraph Nos.9, 10, 13, 20 & 21 held that investigation is the

⁷⁷ (2003) 6 SCC 195

exclusive domain of the police from the lodging of the FIR until submission of the final report under Section 173(2) of 'the Cr.P.C.,' and Courts cannot interfere during this stage. Further, even serious defects or irregularities in investigation do not vitiate cognizance or trial unless they cause miscarriage of justice, since cognizance taken on a defective police report is not a nullity under Section 190 of 'the Cr.P.C.,' thereby affirming that errors in investigation cannot by themselves invalidate subsequent proceedings.

138. In **Neeharika Infrastructure (P) Ltd.** *Supra* the Hon'ble Supreme Court at paragraph No.33 laid down comprehensive principles on the scope of High Court powers under Section 482 of 'the Cr.P.C.,' and Article 226 in quashing petitions, particularly regarding interim orders like "no coercive steps" or stay of investigation. It held that police have a statutory duty to investigate cognizable offences and Courts should not thwart investigations except in rare cases where no offence is disclosed. Quashing must be exercised sparingly, not routinely, and Courts cannot test the reliability of allegations at the FIR stage. FIRs are not encyclopaedias, and investigation must be allowed to proceed unless continuation would cause miscarriage of justice. The Court cautioned that interim orders restraining arrest or investigation should not be passed casually, and ordinarily the accused should seek anticipatory bail under Section 438 of 'the Cr.P.C.' Even in exceptional cases, reasons must be recorded to justify such interim relief, ensuring judicial restraint and respect for the distinct spheres of police and judiciary.

139. The Hon'ble Apex Court in **Neeharika Infrastructure (P) Ltd.**, *supra* at paragraph Nos.13 to 15 authoritatively held that the power of investigation into cognizable offences is a statutory prerogative and obligation vested in the police under the Code of Criminal Procedure, and ordinarily the Courts ought not to impede, obstruct, or stifle such investigation at its inception. The Court observed that the extraordinary and inherent jurisdiction under Section 482 of 'the CrPC.,' is to be exercised with utmost circumspection and judicial restraint, and only in exceptional cases where the allegations contained in the FIR, even if taken at face value and accepted in their entirety, fail to disclose the commission of any cognizable offence or clearly demonstrate an abuse of the process of law. The Hon'ble Court emphasized that while considering a prayer for quashing, the judicial inquiry is confined to examining whether the FIR prima facie discloses the ingredients of a cognizable offence, and the Court is not permitted to undertake an assessment of the reliability, genuineness, truthfulness, or evidentiary worth of the allegations, as such matters fall exclusively within the province of investigation and trial. It was further held that criminal proceedings should not ordinarily be scuttled at the threshold, quashing being an exception rather than the rule, since the functions of the judiciary and the investigating agency are complementary but distinct, each operating within its own constitutionally and statutorily demarcated sphere. The Hon'ble Court reiterated that the inherent powers of the High Court, though wide in amplitude, do not confer an

unfettered or arbitrary jurisdiction and must be exercised only to secure the ends of justice or to prevent manifest abuse of process in accordance with the parameters laid down in **R.P. Kapur** *supra* and **Bhajan Lal** *supra*. The Court further held that during the pendency of proceedings seeking quashing of an FIR, interim orders staying investigation ought not to be granted routinely, and before passing any such order, the High Court must apply the very same stringent principles that govern the exercise of its jurisdiction to quash criminal proceedings. Thus, the Hon'ble Court underscored that save in exceptional situations where non-interference would occasion a manifest miscarriage of justice, the investigating agency must be permitted to complete the investigation unhindered, and the Courts must refrain from prematurely pronouncing upon the merits of the allegations on the basis of incomplete or undeveloped facts.

140. In **R.P. Kapur** *supra* the Hon'ble Supreme Court at paragraph No.6 identified three illustrative categories where the inherent powers under Section 482 of 'the Cr.P.C.,' can and should be exercised to quash proceedings: (i) where there is a clear legal bar against institution or continuance of proceedings, such as absence of sanction, (ii) where the allegations in the FIR or complaint, even if taken at face value, do not constitute the alleged offence, and (iii) where the allegations may constitute an offence but there is no legal evidence, or the evidence adduced manifestly

fails to prove the charge, thus laying the foundation for later jurisprudence on quashing criminal proceedings.

141. In **Rathish Babu Unnikrishnan** *supra* the Hon'ble Apex Court at paragraph Nos.17 to 20 held that Courts must be slow to quash complaints at the pre-trial stage, especially when factual controversies remain possible and legal presumptions operate, as in cheque dishonour cases. It emphasised that quashing proceedings prematurely could cause grave and irreparable consequences by ousting the Trial Court's role in weighing evidence, thereby giving the accused an unmerited advantage. The Court clarified that factual defences must be of unimpeachable quality to disprove allegations outright, and since the cheque and signature were not disputed, the presumption favoured the complainant. Thus, the High Court rightly refused to quash the complaint, ensuring the accused would still have the opportunity to rebut the presumption during trial before an impartial judge.

142. In **Aryan Singh** *supra*, the Hon'ble Supreme Court at paragraph Nos.6 to 8 held that at the stage of discharge or quashing under Section 482 of 'the Cr.P.C.,' the High Court has very limited jurisdiction and must not conduct a "mini trial" by evaluating whether charges are proved, since proof of charges is a matter for trial based on evidence led by the prosecution. The Court clarified that at this stage, the only question is whether sufficient material exists to proceed against the accused, not whether the allegations are ultimately true or malicious. It further observed that the High Court erred in

declaring the proceedings malicious, as such issues can only be determined after trial, and reiterated that the proper test is whether a *prima facie* case is disclosed by the material collected during investigation.

143. In **K.M.Sharan** *supra*, the Hon'ble Supreme Court at paragraph Nos.30 to 32 & 37 held that the High Court erred in quashing the FIR and charge-sheet under Section 482 of 'the Cr.P.C.,' by going beyond its limited jurisdiction at the pre-trial stage. The Court reiterated that, following the principles in **Bhajan Lal** *supra*, the High Court must only examine whether the allegations in the FIR and charge-sheet, taken at face value, *prima facie* constitute an offence, and not embark upon an inquiry into the truthfulness or reliability of those allegations. It emphasised that questions of veracity and malicious intent are matters for trial, and quashing at the threshold to stifle a legitimate prosecution is impermissible.

144. In **Aman Kumar Singh** *supra*, the Hon'ble Apex Court at paragraph Nos.62, 63, 65, 80 & 81 reiterated the caution from **Bhajan Lal** *supra* that quashing of criminal proceedings must be exercised sparingly, in the rarest of rare cases, and courts should not examine the reliability or genuineness of allegations at the FIR stage. It held that since an FIR can be registered even on suspicion, the High Court erred in quashing one based on "probabilities" of crime, particularly in corruption cases under the Prevention of Corruption Act, where a hands-off approach is desirable to maintain probity in governance. The Court emphasised that corruption cases should ordinarily be

allowed to proceed to investigation and trial, and interference is justified only in exceptional circumstances where records reveal absolutely no material to support even a reasonable suspicion of illicit enrichment, and *mala fides* alone drive the prosecution.

145. In **O.C. Kuttan** *supra*, the Hon'ble Supreme Court at paragraph No.6 reaffirmed that while the High Court may quash an FIR if it does not disclose a cognizable offence, such power under Section 482 of 'the Cr.P.C.,' or Article 226 must be exercised sparingly, with great caution, and only in the rarest of rare cases. The Court criticised the High Court for exceeding its jurisdiction by sifting evidence, commenting on the victim's character, and concluding that no offence of rape was made out, even though the FIR alleged serious offences under 'the I.P.C.,' and Immoral Traffic Act. It reiterated that an FIR is merely the initiation of the investigative process, and Courts at the threshold cannot weigh or test the reliability of allegations. Accordingly, the Hon'ble Supreme Court set aside the High Court's order and directed the investigating agency to proceed with the investigation, underscoring that premature quashing undermines justice and social order.

146. In **Dineshbhai Chandubhai Patel** *supra* the Hon'ble Apex Court at paragraph Nos.29 to 33 held that while examining the legality of an FIR, the High Court cannot act like an investigating agency or exercise appellate powers. Its role is limited to determining whether the FIR discloses *prima facie* commission of a cognizable offence. At this stage, the Court cannot

appreciate evidence or draw inferences, especially when the material is disputed, as that is the domain of the investigating authority and later the Trial Court. Once the FIR discloses a cognizable offence, the High Court must allow investigation to proceed, and any deeper scrutiny amounts to jurisdictional error.

147. In **Narinderjit Singh Sahni** *supra* the Hon'ble Supreme Court at paragraph No.60 rejected the argument that multiple deposit agreements with financial companies should be treated as a single offence, holding instead that each deposit constituted a separate and independent transaction since the parties, amounts, and periods of deposit were all different. The Court emphasised that these agreements bore all the characteristics of distinct transactions brought about by the companies' allurements, and therefore there was no compelling reason to merge them into one offence.

SCOPE OF INQUIRY – CRIMINAL CONSPIRACY:

148. The Hon'ble Apex Court in **CBI v. K. Narayana Rao**⁷⁸, at paragraph Nos.15 & 24 held that at the stage of consideration of charge or commitment, the Court is not expected to conduct a meticulous evaluation of the evidentiary material as though adjudicating upon guilt after a full-fledged trial. The jurisdiction exercised at such preliminary stage is confined to ascertaining whether the material placed on record discloses a strong and grave suspicion giving rise to a presumptive inference of the accused's

⁷⁸ (2012) 9 SCC 512

involvement in the alleged offence, thereby warranting further prosecution. While the Court is vested with the authority to sift and scrutinize the material for the limited purpose of determining the existence of a prima facie case, it must refrain from embarking upon a roving, speculative, or exhaustive inquiry into the merits of the prosecution case. Conversely, where the material is wholly lacking in probative value or is manifestly incapable of establishing even a prima facie nexus between the accused and the offence alleged, the Court is duty-bound to discharge the accused and prevent unwarranted prosecution. The Hon'ble Court further expounded that the gravamen of the offence of criminal conspiracy lies in the existence of a consensual agreement between two or more persons to commit an illegal act or to achieve a lawful object through unlawful means. Such agreement may be established by direct or circumstantial evidence; however, the prosecution must demonstrate a clear and unambiguous meeting of minds, and the acts relied upon must be shown to have been performed in furtherance of the common design. Mere suspicion, conjecture, surmise, or tenuous inference, howsoever strong, cannot substitute for cogent, credible, and legally admissible evidence. An inference of conspiracy can be legitimately drawn only when the proved circumstances form an unbroken chain leading irresistibly to the conclusion of guilt and are incompatible with any other reasonable hypothesis consistent with innocence.

QUASHING WHERE ALLEGATIONS DO NOT DISCLOSE THE ESSENTIAL INGREDIENTS OF AN OFFENCE:

149. The Hon'ble Apex Court in **M. Srikanth v. State of Telangana**⁷⁹, at paragraph No.17 held that the extraordinary jurisdiction of the High Court to quash criminal proceedings may be legitimately invoked where the allegations contained in the First Information Report or complaint, even if accepted in their entirety and taken at face value, fail to disclose the essential ingredients of any cognizable offence or do not prima facie establish the involvement of the accused. The Court observed that the continuance of criminal prosecution in the absence of foundational facts constituting an offence would amount to an abuse of the process of law and result in unwarranted harassment of the accused. It was further held that where the uncontroverted allegations forming part of the prosecution case, together with the material and evidence collected during investigation, do not disclose the commission of any offence or make out a legally sustainable case against the accused, the High Court would be fully justified in exercising its inherent jurisdiction to interdict such proceedings at the threshold. The Hon'ble Court thus underscored that criminal law cannot be permitted to be set in motion on the basis of allegations which, even if left unrebutted, do not satisfy the statutory ingredients of the alleged offence, and that judicial intervention is warranted to prevent misuse of the criminal process and to secure the ends of justice.

SCs/STs (POA) ACT - REQUIREMENT OF CASTE-BASED MOTIVATION:

⁷⁹ (2019) 10 SCC 373

150. The Hon'ble Supreme Court in **Khuman Singh** *supra* at paragraph No.14 held that for attracting the penal consequences contemplated under Section 3(2)(v) of 'the SCs & STs (POA) Act.,' the prosecution is required to establish not merely that the victim belonged to a Scheduled Caste or Scheduled Tribe, but also that the offence was perpetrated on account of and because of such caste or tribal identity. The Court elucidated that the victim's membership of a Scheduled Caste or Scheduled Tribe, by itself, is insufficient to sustain a conviction under the aforesaid provision unless there exists cogent and credible evidence demonstrating that the caste status of the victim constituted the motivating factor or foundational cause for the commission of the offence. In the absence of material establishing a direct nexus between the criminal act and the victim's caste identity, the essential ingredients of the statutory offence remain unfulfilled. The Hon'ble Court, therefore, emphasized that a conviction under Section 3(2)(v) cannot rest upon mere proof of the victim's caste status, but must be founded upon clear evidence showing that the offence was committed solely on the ground that the victim belonged to a Scheduled Caste or Scheduled Tribe; failing which, such conviction would be legally unsustainable.

151. In **Dhiren Prafulbhai Shah v. State of Gujarat**⁸⁰, at paragraph Nos.23 & 24, the Gujarat High Court held that an offence under Section

⁸⁰ 2016 SCC OnLine Guj 2076

3(1)(x) of 'the SCs & STs Act' is made out when a non-SC/ST person intentionally insults or intimidates a member of a Scheduled Caste or Scheduled Tribe with the intention of humiliating them, and the accused knows or is aware of the victim's caste status. The Court further clarified that the incident must occur in a place "within public view," which can include a private place if members of the public are present and able to see or hear the incident. The expression "public view" is to be understood in contrast to "private view," referring to situations where the act is visible or audible to the public.

CHEATING AND CRIMINAL CONSPIRACY – REQUIREMENT OF FRAUDULENT INTENT AT INCEPTION:

152. The Hon'ble Supreme Court in **Sushil Sethi v. State of Arunachal Pradesh**⁸¹, while reiterating the principles enunciated in **Hira Lal Hari Lal Bhagwati v. CBI**⁸², at paragraph No.7.3 held that the *sine qua non* for constituting an offence of cheating under Section 420 of 'the I.P.C.,' is the existence of a fraudulent or dishonest intention on the part of the accused at the very inception of the transaction, namely, at the time when the promise, representation, or inducement was made. The Court emphatically observed that the mere subsequent failure to fulfil a promise or perform a contractual obligation does not, by itself, give rise to an inference of dishonest intention existing from the outset. In the absence of specific allegations or material

⁸¹ (2020) 3 SCC 240

⁸² (2003) 5 SCC 257

demonstrating intentional deception, fraudulent inducement, or mens rea at the inception of the transaction, the essential ingredients of the offence of cheating remain conspicuously absent and criminal liability cannot be fastened upon the accused. The Hon'ble Court further held that criminal proceedings founded upon purely civil disputes, bereft of the requisite criminal intent, amount to a misuse of the criminal justice process and their continuance would constitute an abuse of the process of law. The Court also reiterated that to bring home a charge of criminal conspiracy under Section 120-B of 'the I.P.C.,' the prosecution must establish the existence of a prior agreement or meeting of minds between the alleged conspirators for the commission of an unlawful act or a lawful act by unlawful means. While such agreement may be proved through direct or circumstantial evidence, the prosecution must nevertheless adduce cogent material demonstrating the existence of the conspiratorial arrangement; mere suspicion, conjecture, or association between parties cannot substitute proof of the foundational agreement necessary to sustain a charge of conspiracy.

INHERENT JURISDICTION UNDER ARTICLE 226 — NON-OUSTER BY PREVENTION OF CORRUPTION ACT:

153. The Hon'ble Supreme Court in **Asian Resurfacing of Road Agency (P) Ltd. v. CBI**⁸³, at paragraph No.54 held that the inherent jurisdiction of the High Courts is a constitutional power inhering in them by

⁸³ (2018) 16 SCC 299

virtue of their status as superior courts of record under Article 215 of the Constitution of India and is not a power merely conferred or circumscribed by the provisions of the Code of Criminal Procedure. The Court observed that, apart from their constitutional obligation to safeguard fundamental rights under Article 226, the High Courts are duty-bound to protect the liberty of citizens, a mandate which finds resonance in Article 21 of the Constitution. In view of this constitutional scheme, the Hon'ble Court held that the bar contained in Section 19(3)(c) of 'the P.C.Act.,' cannot be construed as ousting or prohibiting the maintainability of a petition under Section 482 of 'the Cr.P.C.,' before the High Court, since the non obstante clause contained therein operates only in relation to the provisions of 'the Cr.P.C.,' and not against the constitutional powers vested in the High Courts. The Court further clarified that while the power to interfere with criminal proceedings, including the grant of stay in exceptional cases, must be exercised with circumspection and judicial restraint, it nevertheless remains available where the ends of justice so require. Consequently, the Hon'ble Court authoritatively declared that any interpretation suggesting a blanket prohibition on the exercise of inherent jurisdiction by the High Courts, or an absolute embargo on the grant of stay of criminal trials, is contrary to the constitutional framework and settled principles of law, and to that extent the contrary view expressed in **Satya Narayan Sharma v. State of Rajasthan**⁸⁴, stood expressly overruled.

⁸⁴ (2001) 8 SCC 607

**SECTION 17-A OF THE PREVENTION OF CORRUPTION ACT —
MANDATORY PRIOR APPROVAL:**

154. The Hon'ble Apex Court in **Yashwant Sinha v. CBI**⁸⁵, at paragraph No.117 held that Section 17-A of 'the P.C.Act.,' engrafts a mandatory statutory safeguard in favour of public servants by prohibiting the conduct of any enquiry, inquiry, or investigation into offences alleged to have been committed by a public servant in respect of any recommendation made or decision taken by him in the discharge of his official functions, unless prior approval is obtained from the competent authority empowered to remove such public servant from office. The Court categorically observed that the legislative mandate embodied in Section 17-A creates a jurisdictional precondition, and in the absence of such previous approval, neither an inquiry nor an investigation can lawfully be initiated. Emphasizing the mandatory nature of the provision, the Hon'ble Court noted that where allegations pertain to official decisions or recommendations rendered in the course of public duties, the investigating agency is statutorily restrained from proceeding further without first securing the requisite sanction from the competent authority. The Court thus underscored that Section 17-A is intended to afford protection against unwarranted or vexatious investigations arising out of bona fide official acts and that compliance with the requirement of prior approval constitutes an indispensable prerequisite for the valid commencement of investigative proceedings in such cases.

⁸⁵ (2020) 2 SCC 338

LIMITED SCOPE OF SECTION 482 OF CR.P.C - NO MINI-TRIAL OR APPRECIATION OF EVIDENCE:

155. The Hon'ble Apex Court in **State v. M. Maridoss**⁸⁶, at paragraph Nos.8 & 11 held that while exercising its inherent jurisdiction under Section 482 of 'the Cr.P.C.', the High Court is not expected to undertake a meticulous examination of disputed facts or embark upon a mini trial to assess the veracity, sufficiency, or probative value of the evidence. The Court observed that, at the threshold stage, the judicial inquiry is confined to examining the nature of the allegations contained in the First Information Report and determining whether, on a plain and meaningful reading thereof, the averments prima facie disclosed the commission of a cognizable offence. The Hon'ble Court further emphasized that investigation into alleged criminal offences falls within the exclusive domain of the investigating agency, and such agency must ordinarily be afforded a reasonable and unhindered opportunity to carry out its statutory functions in accordance with law. Interference by the High Court at the nascent stage of investigation is warranted only in exceptional circumstances, such as where the allegations, even if accepted in their entirety, fail to disclose the commission of any cognizable offence or where the prosecution is clearly barred by law. The Court thus reaffirmed that the inherent jurisdiction under Section 482 of 'the Cr.P.C.' is to be exercised sparingly, with circumspection and in the rarest of cases, so as to prevent abuse of the process of law while simultaneously

⁸⁶ (2023) 4 SCC 338

ensuring that legitimate investigations are not prematurely thwarted by judicial intervention.

156. The Hon'ble Supreme Court in **Kaptan Singh** *supra*, at paragraph Nos.9.1 & 9.2 held that the inherent jurisdiction of the High Court under Section 482 of 'the Cr.P.C.' is to be exercised with great caution, restraint, and only in exceptional circumstances, as quashing of criminal proceedings is an exception and not the rule. The Court observed that once investigation has culminated in the filing of a charge-sheet and cognizance has been taken by the competent court, the matter stands on a different footing from a case where the challenge is directed merely against the registration of an FIR. In such circumstances, the High Court is obliged to consider the material collected during investigation, including witness statements and other evidence gathered by the investigating agency, while examining whether the continuation of proceedings would amount to an abuse of the process of law. However, the Hon'ble Court emphatically reiterated that even at this stage the High Court cannot assume the role of either the investigating agency or a trial court by undertaking an appreciation of evidence, assessing its probative value, adjudicating upon disputed questions of fact, or drawing its own conclusions regarding the truthfulness of the allegations. The Court underscored that the assessment of evidentiary worth and determination of guilt or innocence falls exclusively within the domain of trial. It was further held that the expansive power under Section 482 of 'the

Cr.P.C.,’ though wide in amplitude, must be exercised sparingly and only in furtherance of the statutory objectives of securing the ends of justice and preventing abuse of the process of court. Reaffirming the principles laid down in **Bhajan Lal** *supra*, **Dineshbhai Chandubhai Patel** *supra* and other precedents, the Hon’ble Court held that appreciation of evidence is wholly impermissible at the stage of quashing and that where the material collected during investigation *prima facie* discloses the commission of offences, the criminal proceedings ought to be permitted to continue in accordance with law. Consequently, the Court held that interference by the High Court in such circumstances amounts to an impermissible transgression of jurisdiction and an unwarranted intrusion into matters falling within the province of investigation and trial.

157. The Hon’ble Apex Court in **Mahendra K.C. v. State of Karnataka**⁸⁷, at paragraph Nos.27 & 28 held that while exercising its inherent jurisdiction under Section 482 of ‘the Cr.P.C.,’ the High Court is required to confine its scrutiny to the limited question as to whether the allegations contained in the First Information Report or complaint, if taken at their face value and accepted in their entirety, *prima facie* disclose the commission of an offence and make out a case for proceeding against the accused. The Court observed that the jurisdiction under Section 482 of ‘the Cr.P.C.,’ does not permit a detailed examination of the truthfulness, reliability, or evidentiary

⁸⁷ (2022) 2 SCC 129

worth of the allegations, nor does it authorize the Court to substitute its own assessment of the facts in place of a lawful investigation or trial. The Hon'ble Court emphasized that unless the allegations are so inherently absurd, patently improbable, or manifestly *mala fide* that no prudent person could reasonably conclude that an offence has been disclosed, criminal proceedings ought not to be interdicted at the threshold. It was further held that the High Court exceeds the bounds of its jurisdiction when it embarks upon an appreciation of evidence, indulges in conjectures and surmises, or evaluates disputed factual issues as though exercising appellate or trial jurisdiction. Reaffirming the settled parameters governing the exercise of inherent powers, the Hon'ble Court underscored that where the allegations in the FIR, complaint, and accompanying material disclose a prima facie case, the criminal process must be allowed to proceed in accordance with law, and premature judicial interference founded upon speculative reasoning or an assessment of merits is wholly impermissible. Consequently, the Court held that an inquiry into the veracity of allegations and the sufficiency of evidence lies beyond the permissible ambit of proceedings under Section 482 of 'the Cr.P.C.,' and falls within the exclusive domain of investigation and trial.

POLITICAL MOTIVATION NOT A GROUND FOR QUASHING:

158. The Hon'ble Supreme Court in **Ramveer Upadhyay v. State of Uttar Pradesh**⁸⁸, at paragraph No.39 held that criminal proceedings cannot be

⁸⁸ 2022 SCC OnLine SC 484

interdicted at their very inception in exercise of the inherent jurisdiction under Section 482 of 'the Cr.P.C.,' merely on the premise that the complaint has been instituted by a political adversary or is alleged to be politically motivated. The Court observed that although the possibility of a complaint being actuated by political rivalry or personal animosity cannot be entirely ruled out, such circumstance by itself does not furnish a valid ground for quashing criminal proceedings where the allegations, on their face, disclose the commission of a cognizable offence. The Hon'ble Court emphasized that the truthfulness, reliability, or otherwise of the allegations falls within the province of investigation and trial and cannot ordinarily be adjudicated in proceedings under Section 482 of 'the Cr.P.C.' It was further held that while exercising its inherent powers, the Court is not concerned with evaluating the correctness or evidentiary worth of the allegations except in the rarest of rare cases where the complaint is manifestly frivolous, inherently absurd, *mala fide* on its face, or fails to disclose the essential ingredients of any offence known to law. Reaffirming the settled principles governing the exercise of quashing jurisdiction, the Hon'ble Court underscored that where the allegations prima facie constitute an offence, the criminal process must be permitted to run its course and judicial interference at the threshold would be wholly unwarranted. Consequently, the Court held that disputed questions relating to motive, falsity, or political vendetta are matters to be tested upon evidence during trial and not grounds for prematurely stifling a legitimate prosecution.

MALA FIDE EXERCISE OF STATUTORY POWER - JUDICIAL REVIEW:

159. The Hon'ble Apex Court in **State of Punjab v. Gurdial Singh**⁸⁹, at paragraph No.11 held that findings on questions of fact arrived at by the High Court are ordinarily entitled to great judicial deference and are not liable to be disturbed by the appellate court unless such findings suffer from perversity, are based on no evidence, or are otherwise vitiated by a manifest error of appreciation. The Court observed that where the exercise of statutory power is challenged on the ground of *mala fides* and the factual circumstances unmistakably reveal a colourable or improper exercise of authority, the Court is empowered to pierce the veil of ostensible legality and examine the real purpose underlying the impugned action. The Hon'ble Court emphasized that the mere existence of statutory authority does not legitimize the arbitrary, collateral, or *mala fide* exercise of power, for every public power is coupled with a duty to act bona fide, fairly, and for the purpose for which such power has been conferred. It was further underscored that when statutory power is employed as a cloak to achieve extraneous objectives or is exercised for oblique, political, or collateral considerations, such action constitutes fraud on power and is liable to be invalidated by judicial review. The Court thus reiterated that the rule of law demands not merely the existence of legal authority but also its faithful and bona fide exercise, and where power is shown to have "run haywire under statutory cover", the Courts

⁸⁹ (1980) 2 SCC 471

are duty-bound to scrutinize the surrounding circumstances to ascertain whether the action is genuinely referable to the statutory purpose or is vitiated by *mala fides* and colourable exercise of power.

LIMITATION/SANCTION PROTECTION - AVAILABLE ONLY FOR BONA FIDE OFFICIAL ACTS:

160. The Hon'ble Supreme Court in **Khandu Sonu Dhobi v. State of Maharashtra**⁹⁰, at paragraph No.12 held that statutory protection provisions prescribing limitation for institution of prosecutions against public servants are available only in respect of acts performed bona fide and in the purported discharge of duties under the relevant enactment. The Court observed that where a public servant acts dishonestly, prepares false records, misappropriates public funds, commits criminal breach of trust, or otherwise engages in criminal misconduct, such acts cannot be regarded as acts done "under the Act" so as to attract the protective umbrella of limitation or immunity provisions. The Hon'ble Court emphasized that the decisive test is not the official status of the accused but the nature and character of the impugned act. If the act complained of constitutes a flagrant violation of official duties rather than their execution, the statutory protection ceases to operate. It was therefore held that acts involving fabrication of documents, misappropriation of entrusted funds, and abuse of official position are not acts performed in pursuance of statutory functions but are acts committed in clear derogation of and contrary to those functions. Consequently, limitation provisions governing

⁹⁰ (1972) 3 SCC 786

prosecutions for acts done under the statute have no application to such criminal conduct, and a prosecution in respect thereof cannot be defeated on the ground that it was instituted beyond the period prescribed for bona fide official acts performed under the authority of the statute.

DELAY AND SANCTION - MATTERS FOR TRIAL, NOT THRESHOLD QUASHING:

161. The Hon'ble Supreme Court in **Shantaben Bhurabhai Bhuriya v. Anand Athabhai Chaudhari**⁹¹, at paragraph Nos.34 & 35 held that mere delay in the lodging of an FIR or complaint cannot, by itself, constitute a valid ground for quashing criminal proceedings in exercise of the inherent jurisdiction under Section 482 of 'the Cr.P.C.'. The Court observed that the issue of delay is essentially a matter of evidence and appreciation of facts, which must be examined during trial after affording the complainant an opportunity to explain the circumstances leading to such delay. The Hon'ble Court further held that the plea regarding absence of sanction under Section 197 of 'the Cr.P.C.,' also does not, in every case, justify the quashing of proceedings at the threshold, particularly where serious allegations disclose misuse or abuse of official power. It was emphasized that the applicability of Section 197 of 'the Cr.P.C.,' depends upon whether the acts complained of were reasonably connected with the discharge of official duties, a question which is often debatable and requires a proper factual foundation. Consequently, where the allegations prima facie suggests acts that may fall

⁹¹ (2022) 15 SCC 228

outside the ambit of lawful official functions, the criminal proceedings ought not to be stifled prematurely by invoking the inherent jurisdiction of the High Court. The Hon'ble Court underscored that even assuming sanctions be necessary, the appropriate course would ordinarily be to leave the issue open for determination at the appropriate stage or direct the competent authority to consider the question of sanction, rather than altogether terminating the prosecution. Thus, the Court reaffirmed that disputed issues relating to delay or sanction are generally matters for adjudication on evidence and cannot ordinarily furnish a foundation for quashing criminal proceedings at their inception.

162. This Court in **State of A.P. v. Estate Abolition Tribunal**⁹², at paragraph Nos.20 & 25 held that while the law of limitation and the principles governing delay and laches apply equally to the Government and private litigants, a distinct and weighty consideration arises where public interest stands compromised on account of fraud, bad faith, negligence, or deliberate inaction on the part of Government officials. This Court observed that governmental decisions are institutional and collective in character and, unlike disputes between private individuals, the consequences of dismissing proceedings instituted by the State on technical grounds of delay may ultimately prejudice the larger public interest rather than any individual functionary. Relying upon the principles enunciated by the Hon'ble Supreme

⁹² 2018 SCC OnLine Hyd 474

Court in **G. Ramegowda v. Land Acquisition Officer**⁹³, the Court emphasized that where public interest has suffered owing to acts of *mala fides*, collusion, fraud, or conduct of government officers acting at cross-purposes with the State, the issue of delay must be viewed in a broader and more pragmatic perspective. The Court further underscored that there exists a vital distinction between the Government as a legal entity and the individual officials entrusted with its administration. Where governmental rights are jeopardized not because the State consciously abandoned its claim but because its officers either negligently slept over their duties or deliberately failed to act, refusal to entertain the matter on the ground of delay would effectively punish the public exchequer and public interest rather than the defaulting officials. The Court therefore held that in cases involving substantial public interest, fraud, or dereliction of duty by public servants, the doctrine of delay and laches cannot be applied in a rigid or mechanical manner, and courts must adopt an approach that prevents public interest from being sacrificed at the altar of technicalities, particularly where such sacrifice would indirectly reward unlawful conduct and confer undue advantage upon private parties.

**INVESTIGATION IS THE EXCLUSIVE DOMAIN OF THE POLICE -
RESTRAINT ON JUDICIAL INTERFERENCE:**

⁹³ (1988) 2 SCC 142

163. The Hon'ble Supreme Court in **Skoda Auto Volkswagen (India) (P) Ltd. v. State of Uttar Pradesh**⁹⁴, at paragraph No.40 to 42 reiterated the settled principle that the power of investigation into cognizable offences lies primarily within the exclusive domain of the investigating agency, and Courts should be slow to interfere with or obstruct the investigatory process at its nascent stage. The Court observed that judicial intervention to quash criminal proceedings or arrest an investigation is warranted only in exceptional cases where, upon a plain reading of the First Information Report or complaint, no cognizable offence or offence of any nature is disclosed. Emphasizing the limitations on the exercise of inherent jurisdiction, the Hon'ble Court held that the power of quashing under Section 482 of 'the Cr.P.C.,' must be exercised sparingly, with great circumspection, and only in the rarest of rare cases to prevent manifest abuse of the process of law. It was further underscored that, while examining a prayer for quashing, the Court is not entitled to embark upon an inquiry into the truthfulness, reliability, genuineness, or evidentiary value of the allegations contained in the FIR or complaint, as such matters fall within the province of investigation and trial. The Hon'ble Court also reaffirmed that criminal proceedings ought not to be scuttled at the threshold and that quashing should remain an exception rather than the rule. Where the allegations, even broadly construed, disclose the commission of an offence, the Courts must refrain from usurping the statutory functions of the

⁹⁴ (2021) 5 SCC 795

investigating agency, since investigation and adjudication occupy distinct and separate spheres within the criminal justice system. The Court thus held that so long as the allegations prima facie disclose the ingredients of an offence, the investigative machinery must be permitted to function unhindered and judicial interference at inception would be wholly unwarranted.

164. The Hon'ble Supreme Court in **Saranya v. Bharathi**⁹⁵, at paragraph No.13 held that where the investigation has yielded substantial material prima facie indicating the involvement of the accused in the commission of the alleged offences, the High Court would transgress the settled limitations of its jurisdiction under Section 482 of 'the Cr.P.C.,' by quashing the charge-sheet or criminal proceedings at the threshold. The Court observed that material collected during investigation, including circumstantial evidence such as call detail records and other incriminating circumstances having a proximate nexus with the occurrence, constitutes relevant consideration for determining whether a prima facie case is made out against the accused. The Hon'ble Court emphasised that while exercising inherent jurisdiction, the High Court is not expected to undertake an appreciation of evidence, evaluate its probative worth, or speculate upon the likelihood of conviction or acquittal, as such an exercise falls squarely within the domain of the trial court. It was further held that the High Court does not function as a court of appeal while considering a petition under Section 482 of 'the Cr.P.C.,'

⁹⁵ (2021) 8 SCC 583

and, therefore, cannot adjudicate upon disputed questions of fact or assess the sufficiency of evidence as if conducting a trial. Reaffirming the well-settled principles governing the exercise of quashing jurisdiction, the Hon'ble Court held that where the material collected during investigation discloses a prima facie case against the accused, criminal proceedings ought to be permitted to proceed in accordance with law, and any interference based upon a premature evaluation of evidence would amount to a serious jurisdictional error and an unwarranted encroachment upon the functions of the trial court.

RESTRAINT IN EXERCISE OF QUASHING JURISDICTION - RAREST OF RARE CASES:

165. The Hon'ble Apex Court in **Shafiya Khan v. State of Uttar Pradesh**⁹⁶, at paragraph No.16 held that the extraordinary and inherent jurisdiction vested in the High Court for quashing criminal proceedings is required to be exercised with utmost restraint, circumspection, and only in the rarest of rare cases where the continuance of the proceedings would amount to a manifest abuse of the process of law. The Court observed that, while considering a petition for quashing, the High Court is not expected to undertake an inquiry into the truthfulness, reliability, genuineness, or probative value of the allegations contained in the FIR or complaint, as such an exercise falls squarely within the domain of investigation and trial. The Hon'ble Court further emphasized that the inherent powers of the High Court, though wide in amplitude, do not confer an unfettered or arbitrary jurisdiction to act according

⁹⁶ (2022) 4 SCC 549

to subjective notions, whims, or predilections. The exercise of such power must remain firmly guided by settled legal principles and judicially recognized parameters. Consequently, where the allegations prima facie disclose the commission of an offence, the criminal process ought not to be interdicted at the threshold merely on the basis of disputed factual contentions, and the Court must refrain from substituting its own assessment of the merits for that of the competent investigating or adjudicatory forum.

DOCTRINE OF PUBLIC ACCOUNTABILITY:

166. The Hon'ble Supreme Court in **State of Odisha v. Pratima Mohanty**⁹⁷, at paragraph Nos.8.2, 10.1 & 11 held that the jurisdiction to quash criminal proceedings under Section 482 of 'the Cr.P.C.,' is required to be exercised sparingly, with great circumspection, and only in exceptional cases where the continuation of the prosecution would amount to a manifest abuse of the process of law. The Court reiterated that while considering a challenge to an FIR, complaint, or charge-sheet, the High Court cannot embark upon an inquiry into the reliability, genuineness, or evidentiary worth of the allegations, nor can it undertake a meticulous examination of the material on record as if conducting a mini-trial. It was emphasized that once a thorough investigation has culminated in the filing of a charge-sheet, the criminal proceedings ought not to be quashed except in rare and compelling circumstances. The Hon'ble Court further underscored the doctrine of public accountability, observing that

⁹⁷ (2022) 16 SCC 703

every holder of a public office occupies a position of trust and is duty-bound to exercise statutory powers with transparency, fairness, rectitude, and in furtherance of public interest. Public servants who abuse their office, whether by acts of commission or omission, resulting in loss to the public exchequer or injury to the public interest, are amenable to criminal action and cannot claim immunity from legal scrutiny. The Court stressed that the higher the office held, the greater the obligation of probity, accountability, and fidelity to public duty. It was further held that where allegations disclose prima facie misuse of official position causing wrongful gain to private individuals and corresponding loss to public resources, a full-fledged investigation and trial are warranted. The Hon'ble Court therefore deprecated the approach of the High Court in evaluating the sufficiency and credibility of the evidence collected during investigation and held that such an exercise amounts to an impermissible usurpation of the functions of the trial court. Reaffirming the settled limits of the quashing jurisdiction, the Court concluded that disputed factual issues and matters relating to appreciation of evidence must be left for adjudication during trial and cannot form the basis for premature termination of criminal proceedings.

ARTICLE 226 WRIT JURISDICTION - PRINCIPLES UNDER SECTION 482 CR.P.C:

167. The Hon'ble Supreme Court in **CBI v. Thommandru Hannah Vijayalakshmi**⁹⁸, at paragraph No.56 held that the principles governing the exercise of jurisdiction under Section 482 of the Code of Criminal Procedure equally apply to the exercise of writ jurisdiction under Article 226 of the Constitution when a prayer is made for quashing an FIR. The Court emphatically observed that at the stage of considering the validity of an FIR or criminal proceedings, the High Court is not permitted to embark upon a detailed examination of disputed facts, appreciate evidence, assess the sufficiency of the material collected, or adjudicate upon the probable defence of the accused, as such an exercise would amount to conducting an impermissible mini-trial. Reiterating the settled position of law, the Hon'ble Court held that even at the stage of framing of charges, courts are restrained from undertaking a meticulous evaluation of the evidentiary record, and therefore a fortiori such an exercise is wholly impermissible while considering a petition seeking quashing of an FIR under Section 482 of 'the Cr.P.C.,' or Article 226 of the Constitution. The Court underscored that the scope of judicial scrutiny at the threshold stage is limited to ascertaining whether the allegations, taken at face value and accepted in their entirety, disclose the commission of a cognizable offence warranting investigation. Where the allegations *prima facie* constitutes an offence, the investigating agency must

⁹⁸ (2021) 18 SCC 135

be permitted to perform its statutory functions unhindered, and the criminal process should not be prematurely interdicted through judicial intervention. The Hon'ble Court therefore reaffirmed that the quashing jurisdiction cannot be employed as a substitute for trial and that any assessment requiring appreciation of evidence or determination of disputed factual issues falls exclusively within the domain of investigation and trial.

ANALYSIS:

168. The FIR in Crime No.05 of 2021 was registered by the CID Police Station, Amaravathi, Guntur District, on 12.03.2021. It was based on a complaint submitted by Sri Alla Rama Krishna Reddy, the then MLA of Mangalagiri Constituency. The complaint alleged irregularities in the Land Pooling Scheme (LPS) of the Capital Region Development Authority (CRDA) during the formation of Amaravathi capital city.

169. The complaint stated that villagers from Nowluru and other areas approached the MLA, expressing grievances that influential persons from the then Government had cheated them. Farmers belonging largely to SC, ST, and weaker sections were allegedly misled into believing that their assigned lands would be taken away without compensation. Middlemen, acting as part of a conspiracy, exploited this fear, lured the farmers with small payments, and obtained agreements or sale deeds, often unregistered, thereby depriving them of lawful benefits under the Land Pooling Scheme. The complaint

emphasized that this was done through deception and manipulation of government orders.

170. The FIR specifically named Sri Nara Chandrababu Naidu, (former) present Chief Minister of Andhra Pradesh, and Sri Ponguru Narayana, (former) present Minister for Municipal Administration and Urban Development, along with other officials, as accused. It alleged that they manipulated capital city limits, alignment of the Inner Ring Road, and the land pooling modalities to benefit themselves and their associates. The complaint pointed to G.O.Ms.No.41 dated 17.02.2016 as a key instrument used to extend undue benefits to certain individuals by introducing the concept of “*Sivaijamadars*” and by legitimizing encroachers of government lands. This, according to the complainant, was contrary to ‘the Assigned Lands Act.’ and the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013 (for brevity ‘the RFCTLARR Act.,’).

171. The FIR records that a preliminary enquiry was conducted by S.Surya Bhaskar Rao, DSP, CID, Vijayawada, who submitted a report on 12.03.2021 confirming that cognizable offences were made out. Based on this, the Additional DGP, CID, ordered registration of the case. The FIR was then forwarded to the learned VI Additional Junior Civil Judge Court, Guntur, and investigation was entrusted to A.Lakshmi Narayana, DSP, Cyber Crime, CID, Mangalagiri.

172. The complaint alleges on the *modus operandi* adopted by the accused. It alleged misuse of confidential information about the capital city location to acquire assigned and government lands from gullible peasants. It contends how panic was created among SC/ST and weaker sections, followed by coercion and deception to obtain sale deeds. It pointed to the issuance of G.O.Ms.No.41 to legitimize such transactions, despite the absence of legal definitions for “*Sivaijamadars*.” It further alleged fabrication of records, including fictitious meetings with village committees, to justify amendments to the Land Pooling Scheme. It also highlighted irregularities in Nowluru Revenue Village, where excess assigned land beyond what was recorded in revenue documents was illegally accepted for land pooling, thereby enriching certain individuals. In conclusion, the complainant alleges that the then Government leadership and officials orchestrated a deliberate scheme to manipulate land pooling policies, exploit vulnerable farmers, and unlawfully benefit themselves and their associates. These acts, according to the complaint, amounted to criminal conspiracy, cheating, and corruption, causing irreparable loss to marginalized communities and wrongful gain to the accused.

173. It is axiomatic that pursuant to ‘the Re-organisation Act.,’ which came into effect on 01.03.2014, the Central Government, in exercise of its statutory mandate under Section 6 of ‘the Re-organisation Act.,’ constituted on 28.03.2014 an Expert Committee under the Chairmanship of Sri

Sivaramakrishnan. The Committee thereafter undertook an elaborate exercise by visiting various regions of the State, holding extensive consultations with stakeholders, and inviting suggestions and feedback from the public regarding the location of the new capital. Upon culmination of these deliberations, the Committee submitted its report on 28.07.2014, setting forth the details of its consultations, the nature of public opinion received, and the outcome of its assessment. Therefore, no information as to the location of the Capital City can be said to be privileged.

174. Following the submission of the Expert Committee's report, the Cabinet, on 01.09.2014, resolved to establish the Capital in the area around Vijayawada, and this decision was formally placed before the Legislative Assembly by the then Chief Minister on 04.09.2014, whereupon a unanimous resolution was passed endorsing the said decision. Consequent thereto, on 24.09.2014, the Government of Andhra Pradesh issued G.O.RT.No.3234 constituting a "Group of Ministers" to devise and implement the "Land Pooling System" for the Capital City. In pursuance of this constitution, it is self-evident that the Ministers along with senior Government Officers visited the villages identified for the proposed Capital, engaged in extensive consultations with the inhabitants, and particularly apprised the landowners of the modalities of the Land Pooling System, thereby enabling them to participate in and contribute to the Capital City Project.

175. After consultations and considering the requirements of the people, a Land Pooling Scheme was duly formulated and incorporated in the Andhra Pradesh Capital Region Development Authority Bill, 2014, which was introduced in the Legislative Assembly on 22.12.2014. The said Bill culminated in the enactment of 'the APCRDA Act.,' which came into force on 30.12.2014. On the same day, the Capital City area was notified and the APCRDA was directed to proceed with Land Pooling for procurement of land. In furtherance thereof, the rules governing the Land Pooling Scheme were notified on 01.01.2015 vide G.O.Ms.No.1 of 2015, issued in exercise of powers under Section 18(2)(f) of the Act. Subsequently, G.O.Ms.No.41 dated 17.02.2016 was promulgated under Section 18 of the Act, amending Rule 5(2) of the 2015 Rules. Prior to the approval and sanction of the Chief Minister, G.O.Ms.No.41 received due consideration by the Principal Secretary and was passed after following the prescribed procedure and due process of law.

INGREDIENTS OF THE PENAL PROVISIONS – ESTABLISHMENT OF PRIMA FACIE CASE:

176. Section 166 of 'the I.P.C.,' deals with a public servant who knowingly disobeys a direction of law which he is bound to obey, thereby causing injury to any person. The essential ingredients of the offence are that the accused must be a public servant, there must be a conscious and knowing disobedience of a specific legal direction binding upon him, and such disobedience must be accompanied by the knowledge or intention that it would cause injury to a person. As authoritatively held by the Hon'ble

Supreme Court in **Nand Kishore Tamakhuwala** *supra*, the prosecution must specifically allege and demonstrate the existence of a particular direction of law, its knowing disobedience by the public servant, and the resultant injury within his knowledge. In the present case, the Petitioners acted in compliance with G.O.Ms.No.41, a valid and subsisting Government Order that has never been declared invalid. A public servant acting under and in accordance with a legally operative Government Order is, in law, obeying the law and not disobeying it. Furthermore, there is no allegation of injury caused to any specific individual because of the Petitioners' actions. Therefore, not only there is a complete absence of the essential ingredients of Section 166 of 'the I.P.C.,' but there exists a fundamental legal impossibility of establishing the offence against the Petitioners, who acted in compliance with a legally valid and subsisting Government Order.

177. Section 167 of 'the I.P.C.,' punishes a public servant who frames, prepares, or translates an incorrect document with the intent to cause injury. The essential ingredients of the offence are that the accused must be a public servant, must prepare or frame a document, the document must be incorrect, and such act must be accompanied by the intention of causing injury to another person. In the present case, the documents in question were prepared in pursuance of G.O.Ms.No.41 dated 17.02.2016, a subsisting Government Order that has never been declared invalid by any competent Court. Consequently, any document prepared in compliance with such

Government Order cannot, in law, be characterized as “incorrect” or unlawful. The act of framing policy or issuing statutory instruments pursuant to a valid Government Order does not attract the provisions of Section 167 of ‘the I.P.C.,’ Even if any person considers the Government Order to be contrary to law or individual rights, the proper remedy is to challenge it before a competent Court; until it is set aside, the presumption of legality and validity attached to it must prevail. Furthermore, there is no allegation, much less any material, to suggest that the Petitioners prepared any document with the intention of causing injury to any person. Therefore, the essential ingredients of Section 167 of ‘the I.P.C.,’ are wholly absent, and the provision is manifestly inapplicable to the acts of the Petitioners, who merely acted in compliance with a legally valid and subsisting Government Order.

178. Section 217 of ‘the I.P.C.,’ applies only where a public servant knowingly disobeys a direction of law with the specific intention of saving any person from legal punishment or of saving any property from forfeiture or any other legal charge. Thus, the essential ingredients of the offence are: (i) conscious and wilful disobedience of a legal direction, and (ii) an intention to shield a person from punishment or a property from forfeiture. In the present case, the Petitioners issued G.O.Ms.No.41 in the exercise of their statutory powers under the relevant legal framework, and there is no allegation, much less any material, suggesting that they acted with the intent to save any person from punishment or to protect any property from forfeiture or legal

liability. The allegations in the complaint do not disclose the existence of either of the indispensable elements required to attract Section 217 of 'the I.P.C.,' Consequently, it is evident that the issuance of G.O.Ms.No.41 cannot, in any manner, be brought within the scope of Section 217 of 'the I.P.C.,' and the said provision is manifestly inapplicable to the facts and circumstances of the present case.

179. Therefore, on a careful evaluation of the accusations under Sections 166, 167, and 217 of 'the I.P.C.,' it is evident that the statutory essentials are wholly absent. The essence of Sections 166 and 217 lies in a deliberate disobedience of law by a public servant with knowledge of resultant injury, as clarified in **Nand Kishore Tamakhuwala** *supra*. Compliance with G.O.Ms.No.41 dated 17.02.2016 is in fact obedience to law, thereby excluding the mischief of these provisions. As regards Section 167 of 'the I.P.C.,' its invocation presupposes the preparation of an "incorrect document"; the mere allegation that the Government Order itself is invalid cannot suffice, for until duly struck down, the presumption of legality attaches to such enactments. A subjective belief of illegality does not *ipso facto* render documents prepared thereunder incorrect. Hence, the accusations under Sections 166, 167, and 217 of 'the I.P.C.,' against the Petitioners are devoid of substance and unsustainable.

180. Section 120-B of 'the I.P.C.,' which deals with criminal conspiracy, is wholly inapplicable to the facts of the present case, as the essential and

indispensable ingredients of the offence are conspicuously absent. It is well settled, as authoritatively explained by the Hon'ble Supreme Court in **Mir Nagvi Askari** *supra*, that to constitute a criminal conspiracy there must be: (i) an agreement between two or more persons; (ii) such agreement must be directed towards the commission of an illegal act or the commission of a legal act by illegal means; and (iii) a clear meeting of minds for the accomplishment of the unlawful object. In cases where the conspiracy is not itself punishable, there must also be an overt act in furtherance of the agreement. The sine qua non for attracting Section 120-B of 'the I.P.C.,' is therefore the existence of a demonstrable agreement and a shared unlawful intention. In the present matter, a bare reading of the complaint and the FIR reveals the complete absence of any allegation disclosing an agreement inter se the accused persons, any meeting of minds directed towards an unlawful objective, or any overt act undertaken in pursuance of such an agreement.

181. Most significantly, the complaint fails to identify any illegal act whatsoever or any legal act allegedly carried out by illegal means. At its highest, the allegations merely reflect a disagreement with, or challenge to, a policy decision taken by the Government in the exercise of its lawful rule-making and executive powers. Such disagreement may constitute a matter of political or administrative debate, but it cannot, by any stretch of legal reasoning, be elevated into an accusation of criminal conspiracy. In the absence of the cardinal prerequisites of agreement, unlawful object, meeting

of minds, and overt acts in furtherance thereof, the invocation of Section 120-B of 'the I.P.C.,' the gravest of all charges in the present case, is entirely unsustainable, legally indefensible, and devoid of any factual or legal foundation. To permit the continuation of such an allegation on the basis of the averments contained in the complaint would amount to converting a challenge to governmental policy into a criminal prosecution, thereby reducing Section 120-B of 'the I.P.C.,' into a political instrument, a consequence wholly alien to its purpose and scope in criminal jurisprudence.

182. Further, the FIR does not disclose any agreement, overt act, or illegal object. At most, it reflects disagreement with a policy decision. Policy-making cannot be equated with conspiracy. Therefore, Section 120-B of 'the I.P.C.,' is unsustainable. Underlying this prosecution is a dangerous theory – that governance equals conspiracy, the *Bhagavath Gita* affirms, “यद्यदाचरति श्रेष्ठस्तत्तदेवेतरो जनः” (“Yad yad ācarati śreṣṭhas tat tad evetaro janah”), which means “Whatever a leader does, others follow”. Leaders act for the people, their acts cannot be criminalized. To criminalize governance is to criminalize dharma itself. *Thomas Paine* also declared, “When men yield up the privilege of thinking, the last shadow of liberty quits the horizon.” This Court must ensure liberty does not quit the horizon of Andhra Pradesh. The invocation of Section 120-B of 'the I.P.C.,' is unsustainable. The *Bhagavath Gita* teaches, “अनाश्रितः कर्मफलं कार्यं कर्म करोति यः” (“Anāśritaḥ karma-phalaṁ kāryaṁ karma karoti yah”) which means, “He who performs duty without attachment is a true

yogi”. No meeting of minds to commit illegality exists. Only collective responsibility in governance. Criminal conspiracy cannot be inferred from policy decisions. As *John Locke* observed, “Genuine liberty is freedom from arbitrary power,” meaning individuals are protected from the personal whims of others or the state. The FIR seeks to impose arbitrary power upon legitimate governance.

183. Sections 34 to 37 of ‘the I.P.C.,’ deal with acts done by several persons in furtherance of common intention, cooperation, or aiding. Section 34 of ‘the I.P.C.,’ requires common intention and participation, Section 35 of ‘the I.P.C.,’ requires shared criminal knowledge, Section 36 of ‘the I.P.C.,’ deals with cooperation in acts, and Section 37 of ‘the I.P.C.,’ deals with cooperation in illegal acts. In this case, the acts were collective ministerial decisions endorsed by the Legislature. They were lawful, transparent, and democratic. No illegal common intention or cooperation is alleged. Hence, these provisions do not apply.

184. The invocation of Sections 3(1)(f) and 3(1)(g) of ‘the SCs & STs (POA) Act.,’ is wholly misconceived and legally unsustainable. These provisions are attracted only when the essential ingredients are cumulatively satisfied, namely: (i) the victim must belong to a Scheduled Caste or Scheduled Tribe; (ii) the accused must belong to a non-Scheduled Caste or non-Scheduled Tribe community; and (iii) there must be wrongful occupation of, or wrongful dispossession from, property belonging to such victim. In the

present case, none of these foundational requirements is disclosed in the FIR. The FIR neither identifies any specific victim belonging to a Scheduled Caste or Scheduled Tribe nor describes any particular instance of wrongful occupation or dispossession. On the contrary, the admitted factual position is that the lands in question were either voluntarily pooled, transferred through valid transactions, or reconstituted under G.O.Ms.No.41 dated 17.02.2016 in exercise of powers traceable to the statutory framework under 'the APCRDA Act.' Unless such land reconstitution, assignment, or alienation is set aside by a competent judicial or adjudicatory authority, the element of "wrongfulness," which constitutes the very foundation of Sections 3(1)(f) and (g), cannot be imputed.

185. The assignment and reconstitution process under the applicable Rules is uniform, non-discriminatory, and applicable across all categories without singling out members of Scheduled Castes or Scheduled Tribes. Any grievance against such executive action is amenable to challenge before the appropriate constitutional forum and cannot be converted into a criminal prosecution through collateral attack. Further, as held in **Hitesh Verma** *supra*, the provisions of 'the SCs & STs (POA) Act.,' are attracted only where the acts complained of are intrinsically connected with the victim's caste identity, and a mere land dispute or property-related grievance does not, by itself, constitute an offence under the Act. Therefore, in the absence of identified SC/ST victims, specific allegations of wrongful dispossession, or any legally

established element of wrongfulness, the invocation of Sections 3(1)(f) and (g) of 'the SCs & STs (POA) Act.,' against the Petitioners is manifestly untenable and amounts to an impermissible misuse of a protective social legislation enacted for the benefit of vulnerable communities.

186. A full bench judgment of this Court in **Mekala Pandu** *supra*, at paragraph Nos.19, 48, 49, 53, 55, 56, 71, 110 and 111, it is held that 'the Assigned Lands Act.,' is a beneficial and protective legislation intended to safeguard assigned lands granted to landless poor persons and prevent their alienation to economically stronger sections. The Court observed that although restrictions are imposed on the transfer of assigned lands, such restrictions are not intended to curtail the assignee's ownership rights but rather to protect them and ensure that the benefits of the land continue to the assignee and his legal heirs from generation to generation. Alienations in violation of 'the Assigned Lands Act.,' are void, and the law provides for restoration of the land to the original assignee or legal heirs. This Court further held that assignees possess rights akin to full ownership, and the restrictions on alienation do not diminish their title or interest in the land. Consequently, any condition in the assignment *patta* denying or restricting compensation was declared unconstitutional, and this Court ruled that assignees are entitled to full market-value compensation and all consequential benefits on par with absolute owners whenever assigned lands are resumed or acquired for a public purpose.

187. Section 7 of 'the Assigned Land Act.,' prohibits transfer of assigned lands and penalizes violations. The ingredients are that the land must be "assigned land" and there must be a transfer in violation of prohibition. In this case, the Government Order was issued under statutory authority. No evidence of illegal transfer of assigned land is alleged against the Petitioners personally. Moreover, Section 8 of 'the Assigned Land Act.,' provides immunity for acts done in good faith under the Act, shielding the Petitioners.

188. Hence, the invocation of Section 7 of 'the Assigned Lands Act.,' is wholly misconceived, for the statutory language penalises acquisition of assigned land by "any person," whereas the gravamen of the de-facto complainant's assertion is confined to the promulgation of a rule, without any specific allegation of acquisition by any identified individual. Furthermore, at the cost of repetition, Section 8 of 'the Assigned Lands Act.,' expressly provides immunity by stipulating that no prosecution or legal proceeding shall lie against any person, officer, or authority for acts done or intended to be done in good faith in pursuance of the Act or the Rules framed thereunder. Thus, the very substratum of the allegation collapses, as the impugned act falls squarely within the protective ambit of Section 8, rendering the allegation under Section 7 unsustainable in law.

189. Finally, Section 146 of 'the APCRDA Act' and Section 8 of 'the Assigned Land Act' provide statutory bars against prosecution. Section 146 of

‘the APCRDA Act’ explicitly bars any suit, prosecution, or proceeding for acts done under or in pursuance of ‘the APCRDA Act’. Section 8 of ‘the Assigned Land Act’ bars prosecution for acts done in good faith under ‘the Assigned Land Act’. Both provisions independently shield the Petitioners, as their actions were taken under statutory authority and in good faith. The *Bhagavath Gita* assures, “न हि कल्याणकृत्कश्चिद् दुर्गतिं तात गच्छति” (“Na hi kalyāṇakṛt kaścid durgatiṁ tāta gacchati”), which means, “One who does good never comes to grief”. Acts done in good faith under statutory authority cannot be criminalized. The statutory shield embodies the truth. *Milton*, in *Paradise Lost*, declared, “License they mean when they cry liberty.” Here, liberty is preserved by shielding lawful acts from malicious prosecution.

190. Therefore, the offences alleged under ‘the I.P.C.,’ ‘the SCs & STs (POA) Act.,’ and ‘the Assigned Lands Act.,’ are, on the face of it, not made out. There is no assertion of direct or indirect acquisition of assigned land by the Petitioners, and the FIR merely contains a sweeping allegation that “influenced persons of the then Government cheated farmers,” without attributing any specific act to them. Such vague and omnibus accusations cannot form the basis of criminal prosecution. Considering the inordinate delay, absence of complaints from victims, demonstrable procedural compliance, and evident *mala fides*, this Court holds that it is the bounden duty of this court to invoke its inherent powers under Section 482 of ‘the Cr.P.C.,’ to quash the FIR and prevent abuse of the judicial process. Every

section invoked in the FIR fails to meet its essential ingredients. The Petitioners acted under statutory authority, through democratic processes, and with legislative endorsement. No wrongful act, intent, or victim has been identified. The FIR, therefore, represents political persecution rather than a genuine criminal case.

191. Indeed, the interim order dated 19.03.2021, passed under Section 482 of ‘the Cr.P.C.,’ was a rightful exercise of inherent jurisdiction. Significantly, the order was neither challenged nor vacated, and the Investigating Agency continued its inquiry against other accused persons, examining witnesses up to LW.76. The argument that investigation was obstructed stands contradicted by the State’s own counter affidavits and reopening applications. Jurisprudence laid down in **Allahabad High Court Bar Assn. v. State of U.P.**,⁹⁹ affirms that interim relief is granted to safeguard the efficacy of final relief, and the Petitioners’ case squarely falls within those parameters.

192. This Court at the outset adverted to the well-settled legal position governing the exercise of inherent jurisdiction under Section 482 of ‘the Cr.P.C.’ The inherent powers of the High Court are wide and unfettered in their amplitude, and they exist to secure the ends of justice, to prevent abuse of the process of the Court, and to give effect to any order under ‘the Cr.P.C.’ The *locus classicus* on this subject is the landmark decision of the Hon’ble

⁹⁹ (2024) 6 SCC 267

Supreme Court in **L.Muniswamy** *supra*, wherein it was authoritatively held that the High Court's inherent power is designed to achieve the salutary public purpose that a Court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. The Hon'ble Apex Court further recognized in that case that in a criminal proceeding, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests, and analogous circumstances, would justify the High Court in quashing the proceeding in the interest of justice, for the ends of justice are higher than the ends of mere law. This Court in the instant case finds that the present case answered every criterion laid down in that judgment.

193. This Court applied with meticulous care the four-step test authoritatively prescribed by the Hon'ble Apex Court in **Rajiv Thapar** *supra* which remains the definitive judicial standard for the exercise of the power of quashing at the pre-trial stage upon the production of defence material. The four steps of that test are: first, whether the material relied upon by the accused is sound, reasonable, and indubitable, being of sterling and impeccable quality; Second, whether such material would rule out and displace the assertions contained in the charges levelled against the accused; Third, whether the said material has not been, and cannot justifiably be, refuted by the prosecution or the complainant; and Fourth, whether proceeding with the trial would result in an abuse of the process of the Court

and would not serve the ends of justice. The Hon'ble Supreme Court in **Rajiv Thapar** *supra* further held that if the answer to all four steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash the criminal proceedings, for such exercise of power, besides doing justice to the accused, would save precious Court time that would otherwise be wasted in holding a trial, especially when it is clear that the same would not conclude in the conviction of the accused. This Court on meticulous examination of the entire material on the record holds that every step of this four-fold test was answered emphatically and conclusively in favour of both Petitioners on the facts of the present case.

194. A foundational reason for quashing the FIR is that the acts of both Petitioners, for which they were sought to be prosecuted, were acts done in direct and faithful execution of a constitutionally mandated, publicly deliberated, democratically endorsed, and legislatively sanctioned decision of the highest order. The bifurcation of the erstwhile State of Andhra Pradesh under 'the Re-organisation Act.' necessitated the establishment of a new capital city, as the historic capital of Hyderabad was allocated to the newly formed State of Telangana. Parliament itself, in Section 6 of 'the Re-organisation Act.', mandated the Central Government to constitute an Expert Committee to study alternatives regarding the location of the new capital. The Expert Committee, constituted under the Chairmanship of Sri Sivaramakrishnan, conducted wide-ranging public consultations in eleven

districts, received 4,728 written suggestions from the public, interacted with Ministers, non-governmental organizations, and stakeholders of every description, and submitted its comprehensive report on 28.07.2014, which specifically identified the area between Guntur and Vijayawada as a geographically central and well-connected location that had received much public attention. No information pertaining to the capital's location was therefore secret, privileged, or restricted to insiders. Therefore, this Court holds that these incontrovertible facts established beyond shadow of doubt the entirely open and democratically legitimate character of the decision.

195. The allegations sought to be fastened upon the Petitioners are confined exclusively to G.O.Ms.No.41 dated 17.02.2016. Undeniably, issuance of Government Orders, framing of Rules, and enactment of legislation are matters falling within the executive and legislative domain of the State, undertaken for the purposes of good governance, societal welfare, and advancement of the economic and social status of its citizens. A plain reading of the letter of the de-facto complainant reveals that the gravamen of his contention rests upon the procedure adopted by the Government in issuing G.O.Ms.No.41 and the manner of its implementation. The assertion of the informant that the said Government Order introduced provisions allegedly inconsistent with 'the RFCTLARR Act.,' cannot, by any stretch, constitute a criminal offence, for such matters pertain to policy formulation and legislative competence rather than penal liability.

196. All allegations revolve around G.O.Ms.No.41 dated 17.02.2016, which was issued in exercise of delegated legislative power under Section 18 of 'the APCRDA Act.' Incontrovertibly, no villager or landowner has ever approached any forum challenging the acquisition or compensation, thereby rendering the complainant's professed concern doubtful and politically motivated. The claim that the Government Order was intended to benefit encroachers is unfounded, as G.O.Ms.No.41 is consistent with the long-standing assignment policy, remains in force, and does not contravene any statute or regulation. Legislative or subordinate legislative acts cannot be imputed with *mala fides*, nor can their validity be adjudged by a police officer under the guise of investigation. The essence of the matter is that the accusations do not disclose any criminal offence but only assail a lawful policy decision.

197. A plain reading of the FIR and complaint demonstrates that the attempt of the de-facto complainant is to criminalize the exercise of rule-making power vested in the executive. The FIR discloses no criminal act attributable to the Petitioners but instead seeks to convert a solemn act of governance into a penal offence. The complaint itself was lodged five years after the issuance of G.O.Ms.No.41 dated 17.02.2016, thereby revealing *mala fide* intent to prosecute members of the previous government on concocted charges. Having failed to challenge the *vires* of G.O.Ms.No.41 before any competent forum, the complainant now seeks to misuse criminal process to

foist false consequences upon a lawful exercise of delegated legislation. There is an inexplainable delay of nearly five years in lodging the FIR.

198. The allegations advanced by the de-facto complainant seek to punish the Petitioners for a solemn act performed by the executive in the exercise of its rule-making power, against which no prosecution is maintainable. Section 146 of 'the APCRDA Act.,' expressly provides a bar of legal proceedings, stipulating that no suit, prosecution, or proceeding shall lie against the Government, the Authority, or any officer or person for any act done or purported to be done under or in pursuance of the Act, the rules, or standing orders made thereunder. In light of this statutory protection, the attempt to criminalize the issuance of G.O.Ms.No.41 dated 17.02.2016 is wholly misconceived, devoid of criminal ingredients, and impermissible in law.

199. Even if the complaint is taken at face value, it only questions the validity of G.O.Ms.No.41 dated 17.02.2016 and the rules framed thereunder and does not disclose any cognizable offence attributable to the Petitioners, who were then the Chief Minister and the Cabinet Minister. The allegations merely assail a policy decision and exercise of rule-making power, which fall within the realm of governance and cannot be criminalized. The essence of the matter is that the accusations are politically motivated, devoid of criminal ingredients, and directed only at undermining the legitimate rule-making functions of the executive.

200. The FIR is nothing but an instrument of political vendetta. In this regard, the Bhagavad Gita reminds us “Satyam eva jayate nānṛtam” - Truth alone triumphs, not falsehood. (Mundaka Upanishad, echoed in Gita’s spirit). When governance decisions are criminalized, democracy itself is imperilled. To punish leaders for decisions endorsed by the Legislature is to punish the people themselves. *Lord Denning* once cautioned “Law should not be seen as a weapon in the hands of the powerful, but as a shield for the weak.” The present FIR, far from shielding, wields law as a weapon of revenge.

201. The FIR conspicuously lacks any genuinely aggrieved person. The *Bhagavath Gita* proclaims, “उद्धरेदात्मनात्मानं नात्मानमवसादयेत्”, (“Uddhared ātmanātmānaṁ nātmānam avasādayet”) which means, “Let a man lift himself by his own self, let him not degrade himself”. No villager has come forward to lift his grievance. Instead, a political adversary seeks to degrade governance. Justice demands that only genuine victims speak, not political proxies. *Shakespeare* too warned in Hamlet “For ’tis the sport to have the engineer hoist with his own petard.” Here, the complainant hoists law for sport, not justice.

202. Permitting police to adjudicate motives behind delegated legislation strikes at the root of separation of powers. The *Bhagavath Gita* counsels, “स्वधर्मे निधनं श्रेयः, परधर्मो भयावहः” (“Swadharme nidhanam śreyaḥ, paradharmo bhayāvahaḥ”), which means “Better to die in one’s own duty than to follow another’s”. The executive must perform its dharma of governance.

The judiciary alone may review legality. As *Vedanta Desika* wrote, “धर्मो रक्षति रक्षितः” (“Dharmo rakṣati rakṣitaḥ”), which means, “Dharma protects those who protect it”. To criminalize rule-making is to abandon dharma. *Edmund Burke* echoed, “The law touches us all, but it must not strangle the constitution.” Specifically, the issuance of G.O.Ms.No.41 dated 17.02.2016 under the APCRDA Act was an executive action taken in line with the prescribed Business Rules. Such Government Orders cannot be subjected to criminal scrutiny under the IPC, as that would undermine the sanctity of executive decision-making. The Petitioners, being public servants, did not disobey any law or fabricate documents with intent to cause harm, making the application of Sections 166, 167, 217 of ‘the I.P.C.,’ and related provisions wholly misplaced.

203. The sequence of events clearly reflects strict adherence to statutory procedure. Beginning with the Collector’s communication dated 14.12.2015 and culminating in the issuance of G.O.No.41 on 17.02.2016, the Note File moved through the established hierarchy, with observations from the Revenue Department, Law Department, and the CRDA Commissioner duly recorded. The Chief Minister’s approval was accorded subsequently, on 22.03.2016, after the G.O. had already been issued, thereby dispelling any suggestion of criminal liability. Further, under Rule 58 of the Business Rules, the Secretary to Government, CRDA, bore the statutory responsibility to

ensure compliance, and the record demonstrates that such compliance was meticulously observed throughout the process.

204. Proceeding from the Expert Committee's report and the public mandate, the Cabinet of the Andhra Pradesh Government took a formal decision on 01.09.2014 to locate the new capital in the area around Vijayawada. This Cabinet decision was placed before the Legislative Assembly of Andhra Pradesh on 04.09.2014 by the Chief Minister himself, and the Legislature passed a unanimous resolution endorsing the Cabinet's decision. Indeed, a unanimous resolution of the State Legislature constitutes the highest democratic imprimatur that any governmental decision can receive, being a solemn and definitive expression of the will of the people of the State as represented by their elected representatives. No act of the Petitioners taken in pursuance of this unanimously endorsed decision could therefore be characterized as malicious, conspiratorial, or criminal in any legally cognizable sense. To criminalize acts done in faithful execution of a unanimous legislative resolution would be tantamount to criminalizing the democratic will of the Legislature itself.

205. The fulcrum of the accusation against the applicant rests upon the issuance of G.O.Ms.No.41 dated 17.02.2016; however, the very premise of injury cannot arise unless the said Government Order is first declared unconstitutional and shown to have been promulgated with malice or for personal gain. So long as G.O.Ms.No.41 retains its legal efficacy, any act

performed in pursuance thereof, unless demonstrated to be in contravention of its mandate, cannot be construed as disobedience of law or preparation of an incorrect document. Significantly, the subsequent Repeal Act itself preserves actions taken under 'the APCRDA Act.,' thereby undermining the contention that such actions were inherently illegal. Until G.O.Ms.No.41 is invalidated by a competent forum, documents prepared pursuant thereto cannot be branded as void, and even if invalidity is later declared, culpability under penal provisions would require proof that the preparation was undertaken with the singular intent to inflict public harm – an allegation that remains wholly unsubstantiated in the present matter.

206. The lynchpin of the entire FIR was G.O.Ms.No.41 dated 17.02.2016, issued in exercise of the rule-making power conferred by Section 18 of 'the APCRDA Act', amending Rule 5(2) of the 2015 Rules. This Court holds that the Government Order is unquestionably an act of delegated or subordinate legislation, issued by the State Government in the exercise of statutory rule-making powers expressly conferred upon it by an Act of the Legislature. Prior to its issuance, G.O.Ms.No.41 received due consideration at the level of the Principal Secretary of the concerned department and was issued only after following due process of law and obtaining formal sanction. It is in full conformity with the assignment policy that has been in force in Andhra Pradesh for decades. It has never been declared invalid, unconstitutional, or illegal by any Court of competent jurisdiction. It stands upon the statute book

to this day as a valid, subsisting piece of delegated legislation carrying the full constitutional presumption of validity. This Court emphasizes that as long as G.O.Ms.No.41 remains unreversed, any act done in furtherance thereof is an act of compliance with the law, not an act of criminal disobedience.

207. One of the most significant constitutional reasons for quashing the FIR was the foundational principle that no criminal motive can lawfully be attributed to an act of rule-making or delegated legislation. It is a well-settled principle of constitutional and administrative law that no motive shall be attributed to any act done by either the legislature or a sub-ordinate legislature, including any Government Order issued in the exercise of delegated legislative power. It is not open to any Court, much less to a Police Officer conducting an investigation in a criminal case, to enquire into the motives behind a legislative act. This Court categorically holds that to permit a Police Officer, acting under the guise of criminal investigation, to adjudicate upon whether a particular piece of delegated legislation was enacted with an ulterior motive or to confer undue benefits would be to strike at the very root of the doctrine of separation of powers enshrined in the Constitution of India, and would vest in the executive police machinery a power that belongs exclusively to the judiciary. The appropriate remedy for challenging a Government Order, even if alleged to be wrong on merits, is its challenge before a competent constitutional court, and not a criminal prosecution.

208. It is an axiomatic principle of constitutional law, flowing from the doctrine of separation of powers and from the legislative privileges recognized by the Constitution, that the sovereign power of rule-making vested in the executive government cannot be made the subject-matter of criminal prosecution. The Petitioner in Crl.P.No.1762 of 2021, as the Chief Minister, and the Petitioner in Crl.P.No.1763 of 2021, as the Minister of Municipal Administration, exercised precisely this sovereign rule-making power in bringing G.O.Ms.No.41 into existence. A legislative act or a quasi-legislative act, which is what a Government Order issued under a statute constitutes, cannot be impugned as a criminal act. To hold otherwise would create a constitutionally catastrophic and wholly unacceptable regime in which every official of every outgoing government would face criminal prosecution by the incoming government for every policy decision taken in office, a consequence that would be devastating for the rule of law and representative democracy.

STATUTORY BARS:

209. It is careful to note of a particularly telling and self-defeating feature of the prosecution's case. The then incumbent Government that registered the FIR had itself, through the legislation repealing 'the APCRDA Act', specifically saved all acts done under 'the APCRDA Act', thereby internally and irrefutably conceding that those acts were legally valid and could not simply be undone by legislative or executive fiat. It must be pointed out that when a government, having itself denounced certain acts as unlawful,

nevertheless proceed to preserve them, it fatally compromises and dismantles the integrity of its own case. The very argument of the prosecution is thus eroded from within by the conduct of the very Government that initiated the prosecution. A government cannot, on one hand, save the acts done under a statute through a saving clause in a repeal enactment and, on the other hand, prosecute persons criminally for having performed those self-same acts.

210. A powerful and independent ground for quashing the FIR was the absolute statutory bar against prosecution contained in Section 146 of 'the APCRDA Act', which provides in the most explicit terms that no suit, prosecution, or other proceeding shall lie against the Government, the Authority, or any officer or person for any act done or purporting to be done under or in pursuance of 'the APCRDA Act' or the rules or standing orders made thereunder. This Court holds that this bar is absolute and admits of no exception. The acts of both Petitioners, the formulation and implementation of the Land Pooling Scheme, the issuance of G.O.Ms.No.41, and all acts done in pursuance thereof, being acts done under and in pursuance of 'the APCRDA Act' and the rules made thereunder, are completely and unqualifiedly shielded by this statutory immunity. The prosecution of the Petitioners for such acts is thus not merely erroneous but is directly contrary to a statutory prohibition enacted by the Legislature, rendering the FIR fundamentally untenable *ab initio*.

211. Independently and additionally, it is found that Section 8 of 'the Assigned Lands Prohibition Act', which provides that no prosecution or other legal proceeding shall lie against a person, officer, or authority for any act done or intended to be done in good faith in pursuance of 'the Assigned Lands Prohibition Act' or Rules made thereunder, constitutes a separate, self-sufficient, and unambiguous legislative shield against the present prosecution. The acts of the Petitioners being acts done in good faith in the exercise of statutory authority, the bar under Section 8 'the Assigned Lands Prohibition Act' operates independently and conclusively to preclude criminal prosecution. Both statutory bars, operating cumulatively and independently, render the present FIR a nullity ab initio, and that the violation of these provisions by the Respondents further underscores the *mala fide* character of the impugned proceeding.

212. The learned Senior Counsel for the Respondent submits that G.O.Ms.No.41 was issued in clear violation of the Business Rules, and therefore the Petitioners, who were at the helm of affairs at the relevant time, cannot shirk their responsibility. It was submitted that those in authority had a duty to ensure compliance with statutory safeguards, and having failed to do so, they must now face the consequences. The learned Senior Counsel stressed that the investigation must proceed further to uncover the true facts surrounding the issuance of the impugned Government Order. He further contended that the protection sought under Section 146 of 'the APCRDA Act.,'

is wholly inapplicable, since that provision does not extend to acts tainted with *mala fides* or undertaken in breach of established rules. Instead, reliance was placed on Section 23 of 'the APCRDA Act.,' which shields only acts done in good faith. According to the learned Senior Counsel for Respondent, the issuance of G.O.Ms.No.41, being contrary to the Business Rules, cannot be said to have been done in good faith, and thus the Petitioners are not entitled to statutory immunity.

213. In interpreting the interplay between Section 146 and Section 23 of 'the APCRDA Act.,' this Court is of the benign view that while Section 23 expressly protects only acts done in *good faith*, Section 146 provides a broader statutory bar against prosecution for acts carried out under the authority of the Act. Of course, these provisions must be read harmoniously, with Section 146 serving as a shield against vexatious litigation and Section 23 reinforcing the principle that bona fide acts are immune from challenge. Importantly, one should understand that the official acts are presumed to be done in good faith unless *mala fides* are clearly established, and mere allegations of irregularity or procedural lapses cannot, by themselves, displace this presumption.

214. On this basis, it is hereby held that the Petitioners, being in positions of authority and acting under statutory mandate, were entitled to the protection of Section 146 of 'the APCRDA Act.' The issuance of G.O.Ms.No.41, even if questioned for procedural compliance, was

nonetheless an act performed in the course of governance and under the framework of 'the APCRDA Act.' Therefore, the bar under Section 146 of 'the APCRDA Act.,' applied, insulating the Petitioners from prosecution. Eventually, since no compelling evidence of *mala fides* is demonstrated, statutory immunity cannot be denied, and the Petitioners' actions must be treated as falling within the protective ambit of Section 146 of 'the APCRDA Act.'

215. The impugned FIR does not contain any specific allegation of the commission of a cognizable offence against either Petitioner in his individual capacity. Both Petitioners have been arraigned as accused in a purely mechanical and high-handed manner solely based on the offices they held at the time of issuance of G.O.Ms.No.41, without any specific act, conduct, or omission being attributed to either of them individually. Such vicarious criminal attribution is wholly unknown to law and is constitutionally impermissible. Criminal liability is personal and cannot be imposed merely by virtue of a person's official position. The preliminary inquiry report, which preceded the registration of the FIR, itself does not establish that either Petitioner committed any act warranting criminal investigation. It is further emphasized that the FIR, which is the foundation of the criminal proceeding, is wholly devoid of the specificity and particularity that the law demands before a citizen is subjected to the coercive machinery of criminal prosecution.

INORDINATE DELAY IN FIR:

216. The complaint in question was lodged on 24.02.2021, concerning transactions that had occurred as far back as 2015 and 2016 – reflecting a delay of five full years. This unexplained lapse, coupled with the absence of any grievance from farmers or landowners during the intervening period, strongly indicates that the present FIR is vitiated by political *mala fides* of the most transparent variety. Significantly, not a single villager or landowner who is alleged to have been deprived of land has approached any Court, tribunal, grievance forum, or authority to complain of wrongdoing. Instead, the complaint was filed by the then MLA of Mangalagiri Constituency, an active functionary of the ruling party and political adversary of the Petitioners. The enthusiasm of the de-facto complainant was not that of a public-spirited citizen but the calculated enterprise of a political rival, redolent of *mala fides*. Reliance is properly placed by the learned Senior Counsel for the Petitioners on **Mahmood Ali** *supra* and **Abhishek v. State of M.P.**,¹⁰⁰ wherein the Hon'ble Supreme Court cautioned that in cases tainted with *mala fides*, Courts must look beyond the FIR and read between the lines to prevent abuse of process. The selective prosecution of the Petitioners, while similar schemes such as G.O.No.72 of 2020 were implemented without challenge, further underscores the discriminatory and vindictive nature of the present proceedings.

¹⁰⁰ (2023) 16 SCC 666

217. The inordinate and unexplained delay of approximately five years between the transactions complained of (2015-2016) and the filing of the complaint (February 2021) is itself a significant indicator of *mala fide* intent and ulterior motive. The Hon'ble Supreme Court in **Kishan Singh** and **Chanchalpati Das** *supra* has cautioned that frustrated litigants, unsuccessful in other proceedings, often resort to criminal complaints with *mala fide* intent to harass adversaries or wreak vengeance, and that Courts must carefully scrutinize delayed complaints to ensure that criminal process does not degenerate into a weapon of harassment and persecution. It is found that the timing of the FIR, registered only after a change of government and in the immediate aftermath of the assumption of office by the political rivals of the Petitioners, lent irresistible credence to the inference that this prosecution was politically motivated. The proximity of the FIR registration to the political transition, taken together with the absence of any aggrieved victim, pointed unmistakably to the *mala fide* character of the entire proceeding.

PROPRIETY OF ADGP, CID TO ENTERTAIN COMPLAINT, ORDER ENQUIRY AND TO DIRECT REGISTRATION OF FIR:

218. Classes of crimes to be investigated by the CID and the procedure prescribed is enumerated under Standing Order No.866-1 and it is appropriate to extract the same for better appreciation of the case:

"Standing Order No.866-1. The Crime Investigation Department, will ordinarily, deal with crimes of the following classes. Request for taking up of investigation by C.I.D can be made by any Unit Officer, but without the orders of Addl. DGP C.I.D or DGP no enquiry or investigation shall be taken up by C.I.D."

- A. Counterfeit currency and important thefts of currency notes.
- B. Counterfeit coining when the counterfeits are struck from dies, and other cognate offences in respect of coining by dies.
- C. Professional poisoning
- D. Theft of Government arms and ammunition
- E. Illicit manufacture, transport, sale, possession of firearms, ammunition, explosives and explosive substances
- F. Important cases in which foreigners are concerned (including cases of international criminals and trafficking in women by foreigners).
- G. Frauds by means of advertisements, bogus funds and companies/societies, impersonation of public servants, and swindling.
- H. Specially important cases of murder, all important and inter State dacoities, robbery and housebreaking.
- I. Frauds, thefts or cheating of a peculiar nature affecting more than one district.
- J. Stock Market and Bank frauds.
- K. Important terrorist cases and cases of bio terrorism
- L. Important defalcations of public money and theft of public property.
- M. Smuggling of narcotics and psychotropic substances, drug trafficking and serious offences under NDPS Act.
- N. Financial and Economic crimes i.e., money laundering, bank frauds, forgeries, misappropriations, cheating, breach of trust.
- O. Organized crime (Mafia type) and gag cases
- P. Important conspiracy cases whose ramifications extend to several districts.
- Q. Organised offences relating to environment, flora and fauna
- R. Trafficking in women, girls and children
- S. Important cases of rape and dowry deaths
- T. Pornography
- U. Any serious crime, which appears to have a political motive, including all offences, connected with arms and explosives, which are suspected to be of a political nature.
- V. Organised thefts of motor vehicles
- W. Other cases of Inter-State or International nature requiring specialized investigation and co-ordination.
- X. Organised cases of atrocities against Scheduled Castes or Scheduled Tribes and important communal or caste riots accompanied by murders and arson

Y. Cases of such a nature as, in the opinion of DGP, the Addl. DGP C.I.D or district authorities, call for investigation by an officer of the C.I.D.
Z. Cases of bringing fraudulent civil suits.”

219. Standing Order No.866-1 of the Andhra Pradesh Police Manual provides that the Crime Investigation Department will ordinarily deal with crimes of the above-mentioned classes. On a plain reading of the above Standing Order, it can be easily understood that the requests for taking up of investigation by CID can be made by any Unit Officer, but without the orders of the Additional DGP, CID or the DGP, no enquiry or investigation shall be taken up by CID. The expression "Unit Officer" is not separately defined in Standing Order No.866-1 by a single universal provision. In police administrative practice under the AP Police Manual, it refers to the head of the police unit concerned from which the request originates. Its meaning depends on the context and the particular police wing or establishment. Generally, it refers to the head of the police unit who exercises administrative control over that unit. That is to say: (a) in a Police District, the Superintendent of Police (SP) is the Unit Officer; (b) in a Police Commissionerate, the Commissioner of Police (CP) is the Unit Officer; (c) in an APSP Battalion, the Commandant is the Unit Officer; and (d) in specialized units (such as CID, Intelligence, PTO, etc.), the officer designated as the head of that specialized unit functions as the Unit Officer. Sometimes, the term 'Unit Officer' is also used in Government guidelines. For instance, in the guidelines relating to provision of personal security officers, the Superintendent of Police of a district or the Commissioner

of Police of a city is expressly described as the "Unit Officer" at the district/city level.

220. Thus, as per Standing Order No.866 of the Andhra Pradesh Police Manual, it is evident that the Standing Order primarily enumerates the categories of cases that may be investigated by the Crime Investigation Department (CID) and delineates the jurisdiction and scope of the CID. It does not confer an unrestricted or general power upon the CID to investigate every cognizable offence. The jurisdiction of the CID is confined to the classes of offences specifically mentioned in the Standing Order or such cases as are entrusted to it by the competent authority in accordance with law. As per the Andhra Pradesh Police Manual, the prescribed administrative procedure is: (i) A request for CID investigation is to be made by the "Unit Officer"; (ii) CID shall not take up any enquiry or investigation without the orders of the Additional DGP (CID) or the DGP. Thus, the Manual contemplates two distinct steps: (a) Initiation by the Unit Officer; and (b) Approval by the Additional DGP (CID) or the DGP before CID assumes investigation.

221. In this context it is profitable to refer the judgment of this court in **Mekala Madhusudhan Reddy v. Director General of Police**¹⁰¹, wherein it is held that the CID headed by Additional Director General of Police, CID., A.P is a separate independent investigating agency of the state; the Additional Director General of Police, CID, A.P., is incompetent to address letter to the

¹⁰¹ 2020 SCC OnLine AP 964

Director General of Police, CID, A.P., for transfer of Investigation, *suo moto* to take up further investigation; though the Additional Director General of Police, CID., A.P, is an 'officer in-charge of the police station' for the entire state, he is not a superior officer of the Law & Order Police to conduct investigation or supervise investigation in terms of Section 36 of 'the Cr.P.C.'

222. Of course, a Member of Parliament, Member of the Legislative Assembly, or any other people's representative is not a "Unit Officer" under the Police Manual. Therefore, a request made directly by a people's representative does not satisfy the procedure prescribed in Standing Order No.866. Indeed, there is an important distinction, i.e., a people's representative is free to submit a representation or complaint to the Additional DGP (CID) or the DGP. The question is whether that representation alone can validly trigger a CID investigation, bypassing the request of the Unit Officer contemplated by Standing Order No.866. On a plain reading of the language employed in Standing Order No.866, the answer is 'No', because the Standing Order specifically requires the request to emanate from the Unit Officer. A direct request from a people's representative is not a substitute for a request by the Unit Officer. If the Additional DGP (CID) orders a CID investigation solely on such representation, there is no legality of the order as it is not traceable to independent statutory power, and it is not even solely on the strength of Standing Order No.866. Hence, it can be safely concluded that the prescribed procedure has not been followed.

223. The investigative conduct of the Respondent Police Authorities, marked by procedural irregularities and disregard for statutory safeguards, further underscores the *mala fide* nature of the proceedings. Their approach, instead of reflecting neutrality and adherence to law, revealed a predisposition to sustain a baseless prosecution, thereby reinforcing the Petitioner's contention that the investigation itself is tainted and unsustainable. Police officials had been conducting searches at various premises of the Petitioner in Crl.P.No.1763 of 2021 in a manner that was found to be illegal in character and motivated not by any genuine investigative necessity but by the explicit purpose of tarnishing his image and reputation in the eyes of the public, intimidating him personally, and demoralizing his political supporters. Such searches constituted persecution and not investigation, political warfare conducted under the guise of law enforcement, and not genuine law enforcement. This pattern of conduct, taken together with the registration of the FIR, presented a compelling case of the abuse of the criminal process which it was the Court's constitutional duty to arrest.

224. The prosecution in the present matter rests upon a constitutionally untenable premise, namely, that the legitimate exercise of governmental policy-making authority, and the issuance of Government Orders in furtherance thereof, can be construed as constituting a criminal conspiracy between Ministers and officials. Such a theory, if accepted, would strike at the very root of democratic governance, for it would criminalize the

discharge of executive functions vested in the State by law. The Court, therefore, emphatically rejected this dangerous proposition, holding that policy decisions taken during governance cannot, by their very nature, be equated with conspiratorial acts under the penal law. It is held that this theory is constitutionally impermissible, legally incoherent, and profoundly dangerous to democratic governance. The Petitioner in CrI.P.No.1762 of 2021, as the then Chief Minister, exercised functions at the very heart of executive governance. The Petitioner in CrI.P.No.1763 of 2021, as the then Cabinet Minister, exercised functions integral to collective ministerial responsibility. Both Petitioners participated in decisions made openly, transparently, through democratic deliberation, with the endorsement of the Legislative Assembly, and in pursuance of a statutory mandate. It is held that to permit a prosecution founded upon such a theory would be to strike at the foundations of representative democracy and constitutional governance.

225. The Petitioners exercised sovereign rule-making power in issuing G.O.Ms.No.41. The *Bhagavath Gita* teaches, “कर्मण्येवाधिकारस्ते मा फलेषु कदाचन” (“Karmanye vadhikaraste mā phaleṣu kadācana”) which means, “You have the right to perform your duty, but not to the fruits thereof”. Acts of governance are duties performed without attachment to personal gain. To attribute *mala fide* intent to such acts is constitutionally impermissible. As *Kalidasa* wrote in *Raghuvamsha*, “प्रजा सुखे सुखं राज्ञः, प्रजानां च हिते हितम्” (“Prajā sukhe sukham rājñah, prajānām ca hite hitam”) which means, “The king’s

happiness lies in the happiness of his subjects". Governance decisions, even if disputed, cannot be reduced to criminal conspiracies.

226. It is a well-settled principle of constitutional law, affirmed by the Hon'ble Supreme Court in **Chaudhari Ran Beer Singh** *supra* that in matters of policy decisions, such as the creation of a new capital city or the location thereof, the scope of judicial interference is extremely limited, and Courts should not substitute their own judgment for that of the executive unless the infringement of fundamental rights is clearly demonstrated. Policy decisions must be left to the Government, which alone is competent to weigh all relevant considerations. Even if a second view is possible on a matter of governance, the judiciary cannot interfere merely on that ground. The present FIR, in attempting to criminalize a policy decision that was made through the most open and democratic process conceivable and endorsed by the Legislature unanimously, transgresses this foundational principle to a degree that renders it constitutionally intolerable.

227. The defence of the Petitioners is not merely arguable but is complete and unanswerable on the face of the record itself, bringing the case within the principle recognized in **Iveco Magirus Brandschutztechnik GMBH** *supra* and **Vadilal Panchal** *supra* that where the complaint itself discloses a complete and unanswerable defence, the Court is empowered and indeed duty-bound to intervene and quash the proceedings at the threshold. The material produced by both Petitioners, including the Expert Committee report,

the APCRDA publications, the chronology of farmer consultations, the unanimous legislative resolution, the text of 'the APCRDA Act.,' and G.O.Ms.No.41, is of sterling and impeccable quality. It utterly and completely displaces the assertions in the FIR and cannot justifiably be refuted by the prosecution.

228. Sri P. Sudhakar Reddy, learned Counsel for Respondent No.2, has vehemently canvassed the proposition that in the realm of complex socio-economic offences, where financial trails are deliberately obscured and bureaucratic records are manipulated, delay in investigation and trial is but an inevitable concomitant, and therefore cannot furnish a valid ground for quashment. It is trite that economic offences constitute a distinct class, demanding a nuanced approach, and mere lapse of time cannot ipso facto vitiate the proceedings. Reliance has rightly been placed upon the pronouncement in **Punit Beriwal** *supra* to buttress this submission. However, in the case at hand, the factual substratum is materially different, inasmuch as there is no financial trial or intricate economic conspiracy involved. The delay of nearly five years, unconnected with any complex financial investigation, cannot be accorded with the same latitude as in economic offences. Hence, the contention predicated upon **Punit Beriwal** *supra* is devoid of merit and cannot be sustained.

229. Placing reliance upon the dictum in **M. China Hari Babu** *supra*, Sri Siddharth Dave, learned Senior Counsel for Respondent No.2, has

strenuously contended that initiation of criminal law by way of registration of FIR at the behest of a third party is legally permissible. However, the factual matrix obtaining in **M. China Hari Babu** *supra* is wholly distinguishable and cannot be pressed into service in the present controversy. In contradistinction to that case, in the matter at hand, none of the farmers whose assigned lands are alleged to have been encroached or unlawfully appropriated have themselves approached the law enforcement authorities with a grievance or complaint. In the absence of any direct victim lodging a report, the invocation of criminal process at the instance of a stranger to the transaction is manifestly untenable. Consequently, the submission advanced by the learned Senior Counsel, predicated upon the aforesaid precedent, does not commend acceptance and stands rejected.

230. The salutary and paramount constitutional duty of the High Court, in the exercise of its inherent jurisdiction, to prevent the criminal process from degenerating into an instrument of political persecution and personal vendetta. It drew sustenance from the line of authority established in **Gosu Jayarami Reddy** *supra*, **Krishna Lal Chawla** *supra*, **Ravinder Singh** *supra*, and **Chanchalpati Das** *supra*, all of which underscore the duty of Courts to nip vexatious and politically motivated litigation in the bud and to sternly refuse to allow the machinery of criminal law to be deployed as a weapon of harassment or vendetta. It is held that the present case is a textbook example

of the very type of abuse that this venerable line of authority was designed to prevent and arrest.

231. This Court holds that the present case falls squarely within at least three of the illustrative categories of cases identified by the Hon'ble Supreme Court in **Bhajan Lal** *supra* in which the extraordinary jurisdiction under Article 226 of the Constitution or the inherent powers under Section 482 of 'the Cr.P.C.,' is required to exercise to quash proceedings. (i) The FIR, on its own averments, does not disclose any cognizable offence against the Petitioners. (ii) The allegations are inherently improbable and constitutionally absurd, insofar as they seek to characterize the sovereign act of governance as criminal conspiracy. (iii) There exists an express and absolute legal bar to the prosecution under Section 146 of 'the APCRDA Act' and Section 8 of 'the Assigned Land Act'. Additionally, the proceedings are manifestly and demonstrably *mala fide*, having been instituted with the transparent ulterior motive of political persecution and delegitimization of the acts of the previous Government. Furthermore, there is an enormous unexplainable delay in lodging the complaint.

232. It is not out of place to mention that two more FIRs were registered against the petitioners. The gravamen of the allegations in both complaints is that certain assigned lands belonging to poor and marginal farmers situated within the Amaravati Capital Region were purchased by Accused Nos. 5 to 7, 12 to 37, 39, 41 and 53 to 55 (approximately 34 persons)

by allegedly deceiving and coercing the assignee farmers. It is alleged that the above-mentioned accused projected themselves as influential persons having access to high-ranking Government officials and falsely represented to the assignee farmers that the Government would acquire their assigned lands without paying any compensation. Acting on such alleged misrepresentations and under the pressure exerted by the accused therein, about 166 assignee farmers are stated to have executed registered sale deeds in favour of the accused.

233. On the basis of the said allegations, FIRs in Crime Nos. 14 and 15 of 2020 came to be registered for the offences punishable under Sections 420, 409, 109, 166, 167, 192, 193, 196, 217 and 506 read with Sections 120-B, 34, 35, 36 and 37 of 'the IPC.,' Sections 3(1)(g) and 3(2)(v)(a) of 'the SCs & STs (POA) Act.,'; Sections 13(2) read with Section 13(1)(c) and (d) of 'the PC Act.,' Section 82 of the Registration Act, 1908; and Section 7 of 'the Assigned Lands Act'. However, after thorough investigation the DSP, CID, Mangalagiri filed final report on 03/11/2025 referring the two cases as mistakes of fact. Later the learned Judge, ACB Court, Vijayawada after serving notice on the De-facto complainant and on conducting elaborate enquiry accepted the final report and closed the two FIRs by issuing RCS proceedings No. 14/2025, vide order dated 25/11/2025. It must be pointed out that the allegations levelled in Crime Nos. 14 and 15 of 2020 are akin to the allegations levelled in the instant case.

CONCLUSION:

234. In its final analysis, this Court held that the case for quashing the impugned FIR as against both Petitioners is not merely made out but is overwhelming, irresistible, and constitutionally compelling. The FIR is the product of deliberate political malice and represents a calculated campaign to delegitimize the acts of the previous Government. It was registered on the complaint of a political opponent, in the absence of any genuinely aggrieved person. It does not disclose any cognizable offence against either Petitioner in their individual capacities. It seeks to criminalize the sovereign exercise of rule-making power and delegated legislative authority. It invokes penal provisions, namely Sections 166, 167, 217, and 120-B of 'the I.P.C.,' read with Sections 34, 35, 36 and 37 of 'the I.P.C.,' and Section 3(1)(f) 'the SCs & STs (POA) Act', and Section 7 of 'the Assigned Lands Act.,' none of which are attracted on the facts alleged. It is expressly barred by Section 146 of 'the APCRDA Act' and Section 8 of 'the Assigned Land Act'. It is vitiated by the complete absence of any specific allegation against either Petitioner individually. It has resulted in illegal and harassment-oriented searches. The preliminary inquiry itself does not establish any act of either Petitioner warranting criminal investigation. Every step of the four-fold test in **Rajiv Thapar** *supra* is answered in the affirmative in favour of both Petitioners. Every principle enunciated in **L. Muniswamy** *supra* calls for the quashment of this proceeding.

235. Therefore, the FIR in Crime No.05 of 2021 does not stand on firm legal ground because the allegations essentially try to treat official acts, carried out under constitutional and statutory authority, as criminal offences. The FIR in Crime No.05 of 2021 stands vitiated by *mala fides* and political vendetta.

RESULT:

236. Accordingly, the Criminal Petitions are allowed and consequently, the proceedings in Crime No.5/2021 registered on the file of the CID Police Station, Amaravathi, Mangalagiri, Guntur District, are quashed in their entirety as against both Petitioners.

REFLECTIONS:

237. The case of Crime No. 5 of 2021 raises profound questions about the boundaries of governmental power and the limits of criminal accountability for policy decisions. In a democracy, elected governments must be free to make policy decisions, including decisions that are innovative, controversial, or even incorrect, without the fear of criminal prosecution every time a subsequent government disagrees with those policies.

238. This Court, in allowing the Quash Petitions, drew a principled distinction between a governmental decision that is wrong or irregular (which is subject to legal challenge in civil or constitutional proceedings) and a governmental decision that is criminal (which is subject to criminal prosecution). This Court found that the materials disclosed the former but not

the latter. As mentioned in Bhagavad Gita, “उद्धरेदात्मनात्मानं, नात्मानमवसादयेत्; आत्मैव ह्यात्मनो बन्धुः, आत्मैव रिपुरात्मनः” (“Uddhared atmanam atmanam, na atmanam avasadayet; atmaiva hy atmano bandhur, atmaiva ripur atmanah”), which means, “Let a man elevate himself by his own mind, let him not degrade himself; for the mind can be the friend of the conditioned soul, and his enemy as well.” One of the most critical aspects of this case is the alleged political motivation behind the FIR. The registration of criminal cases against opposition leaders by ruling party governments, and *vice versa*, has become a disturbing feature of Indian politics. The Hon’ble Supreme Court has repeatedly expressed concern about the weaponization of criminal law for political purposes. In the present case, the pattern is clear: the complaint was filed by an MLA of the ruling party, it targeted the former (present) Chief Minister and a former (present) Cabinet Minister of the Government of Andhra Pradesh, it was registered two years after the change of Government, and it was being investigated by the CID, which functions directly under the State Government.

239. The case of Crime No. 5 of 2021, registered at CID PS, A.P., Mangalagiri, is a microcosm of the larger tensions that define Indian governance, politics, and law. At its heart, it is a case about power: the power of the State to formulate and implement policy; the power of the criminal law to hold public servants accountable; the power of the courts to protect individuals from the abuse of that criminal law; and the power of the Constitution to

protect the most vulnerable members of society from exploitation. *Thiruvalluvar*, a Tamil Scholar, in his *Thirukkural*, mentioned like this, “नीति शास्त्र सार इति नै कदापि - राजधर्मो हि रक्षितुं सर्वम्”, which means, “The essence of political science is to protect all; statecraft without ethics leads to ruin.”

240. This Court, in allowing the Quash Petitions, exercised its jurisdiction in a principled manner. It is found that the allegations in the FIR, even taken at face value, do not constitute the criminal offences alleged, and that the materials available do not disclose the criminal intent necessary to sustain the charges. The Court’s reasoning was shaped not only by the legal issues but also by the prevailing political context, which cast doubt on the *bona fides* of the prosecution and raised serious concerns about whether the proceedings were driven by genuine legal grounds or influenced by political motivations. The most fundamental of Vedic prayers from *Brihadaranyaka* Upanishad, “तमसो मा ज्योतिर्गमय” (“Tamaso ma jyotirgamaya”) which means, “Lead us from darkness to light,” is applicable to all seekers of justice and truth.

241. Before concluding, this Court deems it a matter of judicial conscience to record its deep appreciation to the learned Senior Counsel viz., Sri Siddharth Luthra, Sri Venkateswarlu Posani, Sri Siddharth Dave and Sri Ponnnavolu Sudhakar Reddy, for their adroit and thorough assistance in disposal of these two petitions.

242. In a lighter vein, the Court wryly observed the irony of political rivals accusing each other of criminality only after losing office, likening the change of Government to the change of seasons - each ushering in a fresh crop of FIRs against the outgoing dispensation. With restrained judicial humour, this Court notes that Government Orders transform from routine administrative acts into alleged instruments of villainy, and back again with every election - much like Cinderella's carriage turning into a pumpkin at midnight.

As a sequel, interlocutory applications, if any pending, shall stand closed.

“यतो धर्मस्ततो जयः”

“Where there is dharma, there is victory. Justice, when upheld, triumphs overall.”

Dr. Y. LAKSHMANA RAO, J

Dated: 15.06.2026
VTS

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No