
(2025) 10 TH CK 0001

Telangana HC

Case No: Criminal Petition Nos.9789 Of 2023, Connected With Criminal Petition Nos.9790 Of 2023

Denaboina Lavan
Kumar

APPELLANT

Vs

State of Telangana

RESPONDENT

Date of Decision: Oct. 25, 2025

Acts Referred:

- Indian Penal Code, 1860 — Section 34, 386, 420, 468, 471, 447, 506
- Telangana Rights in Land and Pattadar Passbooks Act, 2013 — Section 5(B)
- Code of Criminal Procedure, 1973 — Section 173(2), 482

Hon'ble Judges: J. Sreenivas Rao, J

Bench: Single Bench

Advocate: T. Surya Satish, B. Ramulu, M. Vivekananda Reddy

Final Decision: Disposed Of

Judgement

J. Sreenivas Rao, J

1. Criminal Petition No.9789 of 2023 is filed by the petitioner/accused No.3 and Criminal Petition No.9790 of 2023 is filed by the petitioners/accused Nos.1, 2 and 4 seeking to quash the proceedings in F.I.R. No.101 of 2023 of Velair Police Station, Warangal District, registered for the offences punishable under Sections 386, 420, 468, 471, 447, 427 and 506 read with 34 of the Indian Penal Code, 1860 (for short, "the IPC").

1.1. As both the criminal petitions arise out of F.I.R.No.101 of 2023 of Velair Police Station, Warangal District, both petitions are clubbed together and are being disposed of by way of a common order.

2. Brief facts of the case:

On 14.09.2023 about 10:15 hours, respondent No.2/de facto complainant lodged a complaint stating that he is the owner of agricultural land admeasuring Ac.13.22 guntas in Sy.No.315, situated at the outskirts of Errabelly Village, inherited from his father, late Madhusudhan Reddy. As he had been residing in Hyderabad for business purposes for the past few years, the land was not under cultivation, and villagers occasionally grazed cattle there with his permission. Subsequently, one Kaleru Chinna Babu informed him that his land was mutated in the names of Accused Nos. 2 to 4, residents of Warangal. On enquiry with the MRO, Velair Mandal, he came to know that the said mutation was made based on a forged Sadabainama. Upon obtaining documents through an RTI application, he found that forged sale documents were created showing that his father had allegedly sold the land in 1954 to one Kistaiah, father of Denaboina Yadagiri, who later, in 2012, purportedly sold it to his wife and sons. In 2018, they fraudulently mutated the land in their names through Sadabainama. On learning this, the complainant approached the RDO, and subsequently, the Special Tribunal, Warangal (Urban), passed an order vide Case No. E3/Special Tribunal/628/2021 dated 08.07.2021, deleted the fraudulent entries and restored his name in the revenue records. The accused then filed O.S. No. 122/2022 before the Principal Senior Civil Judge, Hanumakonda, and temporary injunction application in I.A.No.505 of 2022 was dismissed on 27.10.2022. When the complainant visited his land on 10.11.2022 with copies of the court orders, Yadagiri and his family members allegedly confronted him, snatched and tore his documents, and threatened to kill him if he entered the land without paying them money equivalent to its value. Again, in July 2023, when the complainant went to plough his land along with witnesses, the accused restrained and threatened him. Due to his old age and ill-health, there was a delay in lodging the complaint. Based on his complaint, the police registered Crime No.101 of 2023 for the offences under Sections 386, 420, 468, 471, 447, 427 and 506 of the IPC.

3. Heard Mr. T. Surya Satish, learned counsel for the petitioners, Mr. B. Ramulu, learned counsel for respondent No.2 and Mr. M. Vivekananda Reddy, learned Assistant Public Prosecutor appearing for respondent No.1 State.

4. Submissions of learned counsel for the petitioners:

4.1. Learned counsel submitted that the petitioners have not committed any offence and they were falsely implicated in the present crime. Even taking into consideration the allegations made in the complaint, the offences under Sections 386, 420, 468, 471, 447, 427 and 506 of the IPC do not attract. Respondent No.2 filed a complaint with an intention to dissolve the disputes which are pending before the competent civil

Court and the same is not permitted under law. He further submitted that respondent No.2 filed appeal before the Revenue Divisional Officer, Warangal, questioning the RoR proceedings issued in favour of the petitioners dated 13.07.2017 under Section 5B of the Telangana Rights in Land and Pattadar Passbooks Act, 2013 (for short, "the RoR Act"). In the said appeal, respondent No.2 himself stated that he came to know about the entries in February 2019, whereas respondent No.2 filed the present complaint on 14.09.2023, after lapse of the more than four years, without explaining any reason for the delay.

4.2. He further submitted that accused No.2 and 3 have filed suit in O.S.No.122 of 2022 seeking declaration of title and consequential relief of permanent injunction in respect of the very same schedule property, which was claimed by respondent No.2, before the Principal Senior Civil Judge, Hanamkonda. Similarly, accused No.4 also filed suit in O.S.No.1041 of 2022 seeking declaration of title and perpetual injunction in respect of the part of the schedule property and both the comprehensive suits filed by accused Nos.2 to 4 are pending. In the said suits, respondent No.2 was also made as a party defendant. Whether the proceedings issued by the revenue authorities in favour of the petitioners are genuine or not and whether the petitioners are entitled to claim right, title, interest over the property, based on the said documents, have to be adjudicated by the competent Civil Court in pending suits.

4.3. He further submitted that the Special Tribunal, Warangal, in Proceedings No.E5/Special Tribunal/628/2021, dated 05.07.2021 and 08.07.2021, set aside the proceedings issued in favour of the petitioners and directed the Tahasildar to restore the name of the original pattadar and further held that the said order does not preclude the effect of the rights of the petitioners and granted liberty to approach the civil Court to prove their title over the subject property. Pursuant to the said order, the petitioners have approached the competent civil Court and filed the above said suits.

4.4. He further submitted that entire allegations are levelled against accused No.1 only. There are no specific allegations against accused Nos.2 to 4. Admittedly, accused No.4, while discharging his official duties, he was at Station House Office, P.C.C. Khammam, on 10.11.2022, neither accused No.3 nor accused Nos.2 and 4 were present at the scene of offence as alleged by respondent No.2. However, respondent No.2 falsely implicated them in the present crime. The nature of the allegations made in the complaint is purely civil in nature. Hence, the continuation of the proceedings against the petitioners is an abuse of the process of law.

5. Submissions of learned counsel for respondent No.2

5.1. Per contra, learned counsel submitted that the petitioners are not having any semblance of right, interest, title over the subject property to an extent of Ac.13.22 gts. in Sy.No.315 in the outskirts of Yerrabelly Village. The petitioners have forged and fabricated the documents on the name of the simple sale deed dated 11.03.1954, though late Sri Madhusudhan Reddy had not executed any document in favour of late D. Kistaiah, who is none other than the father of accused No.1. Based on the said fabricated document, the petitioners created another sada sale deed in the name of accused Nos.3 and 4 to an extent of Ac.4.20, Ac.4.22 and Ac.4.20 gts. in Sy.No.315/A1/2 of Errabelli Village, Velair Mandal. Basing on the alleged sada sale deed, they obtained revenue proceedings from the revenue authorities by manipulation and incorporated their names in the revenue records and obtained pattadar passbooks. When the petitioners were trying to interfere with the subject property, respondent No.2 came to know about the illegal RoR proceedings. Aggrieved by the said RoR proceedings issued by the revenue authorities in favour of the accused Nos.2 to 4, respondent No.2 filed statutory appeals before the Revenue Divisional Officer, Warangal, and the said appeal was transferred to the Special Tribunal and the Special Tribunal allowed the appeals on 05.07.2021 and 08.07.2021 and set aside the revenue proceedings issued in favour of accused Nos.2 to 4 and directed the Tahasildar to restore the name of respondent No.2 in the revenue records. Accordingly, his name was incorporated.

5.2. He further submitted that when respondent No.2 visited his land along with Court order, the petitioners threatened him with dire consequences and torn the documents. He also submitted that the petitioners forged and fabricated the documents with a dishonest intention from the date of inception to claim the rights over the property. Mere pendency of the civil suits and writ petitions does not bar to file a complaint under penal provisions, especially, when there are specific allegations against the petitioners to attract the ingredients of Sections 386, 420, 468, 471, 447, 427 and 506 of the IPC. Whether the petitioners have committed the offence or not, the same will be revealed during the course of investigation only, especially the case is at the stage of crime. Hence, the criminal petition filed by the petitioners is liable to be dismissed.

6. Submissions of learned Assistant Public Prosecutor

6.1. Learned Assistant Public Prosecutor reiterated the submissions made by the learned counsel for respondent No.2.

Analysis:

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that respondent No.2 is claiming rights over the property to an extent of Ac.13.12 gts. in Sy.No.315 of Errabelli Village. According to the averments, respondent No.2 has succeeded the property from his forefathers and the petitioners, without having any manner of right, have fabricated and created documents by forging the signature of his father namely late Mr. P. Madhusudhan Reddy and created document namely sada sale deed dated 11.03.1954 in the name of their father, late Kistaiah. Based upon the said fabricated document, the petitioners have created another document i.e., sada sale deed, in the year 2012 in the name of petitioner Nos.2 to 4. Based on the said fabricated documents, the petitioners have obtained the revenue proceedings manipulating the revenue authorities and mutated the names of accused Nos.2 to 4 in the revenue records and obtained pattadar passbooks behind back of respondent No.2.

8. The record reveals that aggrieved by the RoR proceedings issued by the revenue authorities, respondent No.2 filed statutory appeal Nos.A/2510/2019 and A/2508/2019 under Section 5B of the RoR Act and the said appeals were transferred to the Special Tribunal and the same were numbered as E3/Spl.Tribunal/627/2021 and E3/Spl.Tribunal/628/2021 and the Special Tribunal allowed the appeals on 05.07.2021 and 8. 07.2021 and set aside the revenue proceedings issued in favour of accused Nos.2 to 4 and directed the Tahasildar to restore the entries in the name of respondent No.2/pattadar and further observed that however, the aggrieved party is granted liberty to approach the civil Court. The record further reveals that aggrieved by the above said order, accused Nos.2 to 4 have filed W.P.No.43620 and 46080 of 2022 and the same are pending before this court. Similarly, accused Nos.2 to 4 have filed two suits namely O.S.No.122 of 2022 and O.S.No.1041 of 2022 on the file of the II Additional Junior Civil Judge, Hanamkonda, seeking declaration of title and perpetual injunction and the said suits were pending. The record further reveals that in O.S.No.122 of 2022, temporary injunction petition in I.A.No.505 of 2022 was dismissed on 10.11.2022.

9. In the complaint, there are specific allegations levelled against the petitioners that they forged and fabricated documents with a dishonest intension from the date of inception to claim rights over the property of respondent No.2 without having any manner of right. Taking into consideration the entire facts and accusations made in the complaint, prima facie

this Court is of the considered view that the ingredients of Sections 386, 420, 468, 471, 447, 427 and 506 of the IPC are attracted. Whether the petitioners have committed the offence or not, has to be revealed during the investigation, especially the case is at crime stage only. It is trite law that mere pendency of the civil suits is not a ground to seek quashing of the crime, especially civil suit is filed subsequent to the lodging of the criminal complaint and both are different and distinct.

10. It is relevant to mention that in *K.Jagadish v. Udaya Kumar G.S.* (2020) 14 SCC 552, the Honâ€™ble Apex Court has reaffirmed the well-settled principle that the same set of facts may give rise to both civil

and criminal proceedings, and that availing civil remedy does not bar the initiation of criminal prosecution. The Court relied heavily on precedents like *Kamaladevi Agarwal v. State of W.B.* (2002) 1 SCC 555 and *Trisuns Chemical Industry v. Rajesh Agarwal* (1999) 8 SCC 686, to reiterate that criminal proceedings cannot be quashed merely because a civil dispute is also pending between the parties. In *Kamaladevi Agarwal*, it was categorically held that the pendency of civil proceedings does not justify quashing criminal proceedings, especially where the allegations disclose a prima facie criminal offence. The Court observed that many acts of cheating occur in the context of commercial or financial transactions, and such a “civil profile” does not strip the act of its “criminal outfit.”

11. It is trite law that the power under Section 482 of the Code of Criminal Procedure to quash a First Information Report is to be exercised sparingly and with great caution, and only in the rarest of rare cases where the allegations in the FIR, even if taken at their face value, do not disclose the commission of any offence. The Hon^{ble} Supreme Court in *State of Haryana v. Bhajan Lal* (1992 Supp (1) SCC 335 issued a note of caution that such extraordinary power cannot be invoked to stifle a legitimate investigation or to embark upon an inquiry into the truth or otherwise of the allegations. An FIR is not required to be an encyclopedia of all facts relating to the alleged offence. It is only intended to set the criminal law in motion and to enable the investigating agency to collect material to ascertain the truth of the allegations. The law does not require that all the ingredients of the offence must be spelled out in the FIR. As observed in *Rajesh Bajaj v. State (NCT of Delhi)* (1999) 3 SCC 259, the absence of detailed particulars or one or two ingredients does not justify quashing at the threshold if a factual foundation for the alleged offence exists. The Hon^{ble} Supreme Court in *Parbatbhai Aahir v. State of Gujarat* (2017) 9 SCC 641 has further held that the power to quash an FIR must be exercised only to secure the ends of justice or to prevent abuse of process of court, and not to thwart a lawful investigation, particularly where the allegations disclose serious offences such as cheating, forgery, or criminal conspiracy under Sections 420, 467, 468 and 471 of the Indian Penal Code. Where, as in the present case, the investigation is still at a nascent stage, it would be premature and contrary to settled law to quash the FIR. The investigating agency must be permitted to complete the investigation and place the materials before the competent court under Section 173(2) Cr.P.C. Interference at this stage would amount to a premature evaluation of the evidence and an encroachment upon the statutory function of the police. Unless the case falls within the exceptional categories enumerated in *Bhajan Lal* (supra), the FIR cannot be quashed merely because the accused asserts innocence or characterizes the dispute as civil in nature.

12. For the foregoing reasons as well as the principles laid down by the Hon^{ble} Apex Court as mentioned supra, this Court does not find any ground to quash the proceedings in Crime No.101 of 2023 against the petitioners by exercising the powers conferred under Section 482 of the Cr.P.C.

13. From perusal of the record, it reveals that accused Nos.1 and 4 were released on bail in the present crime and insofar as accused Nos.2 and 3 are concerned, this Court, on 06.10.2023, granted stay of all

further proceedings in Crime No.101 of 2023 of Velair Police Station in I.A.No.2 of 2023. The record further reveals that accused No.2 is a woman and accused No.3 is a Government employee i.e., Sub-Inspector of Police. Taking into consideration the peculiar facts and circumstances of the case, the Investigating Officer is directed to conduct investigation and file charge sheet without taking any coercive steps against accused Nos.2 and 3. It is made clear that accused Nos.1 to 4 shall cooperate with the investigation and they are entitled to put forth their grievance by submitting the documents before the Investigating Officer. In the event, the petitioners failed to cooperate with the investigation, the Investigating Officer is entitled to take appropriate steps, in accordance with law.

14. With the above said directions, the criminal petitions are disposed of. Miscellaneous applications, pending if any, shall stand closed.