

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

CRIMINAL PETITION NO: 6992/2025

Between:

1.G.V.SRINIVASA RAO, S/O. G.KONDAL RAO, AGED ABOUT 57 YEARS, OCC:RTD, GENERAL MANAGER OF INDIAN BANK, R/O. D.NO.2-2-1130/26/A/C/5(E)27, PRASHANTHI NAGAR, NEW NALLAKUNTA, HYDERABAD AND ANOTHER.

...PETITIONERS

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AT AMARAVATI AND TWO OTHERS.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 27.07.2026

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

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|----|--|--------|
| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reports/Journals? | Yes/No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

SUBHENDU SAMANTA, J

*** THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA**

+ CRIMINAL PETITION NO: 6992/2025

% DATE: 27.07.2026

G.V.SRINIVASA RAO, S/O. G.KONDAL RAO, AGED ABOUT 57 YEARS,
OCC:RTD, GENERAL MANAGER OF INDIAN BANK, R/O. D.NO.2-2-
1130/26/A/C/5(E)27, PRASHANTHI NAGAR, NEW NALLAKUNTA,
HYDERABAD AND ANOTHER

... Petitioners

Vs.

\$ THE STATE OF ANDHRA PRADESH, REP. BY
ITS PUBLIC PROSECUTOR, HIGH COURT OF
ANDHRA PRADESH, AT AMARAVATI AND
TWO OTHERS

.. Respondents

! Counsel for the petitioners : Sri D.Kodandarami Reddy

^Counsel for respondents : Public Prosecutor

Party-in-person

< Gist:

➤ Head Note:

? CASES REFERRED:

- 1. 1992 Supp (1) Supreme Court Cases 335**
- 2. 2024 Law Suit (SC) 686**
- 3. (2000) 1 SCC 278**
- 4. (2005) 4 SCC 370**

Date of reserved for orders : 07.05.2026
 Date of pronouncement : 27.07.2026
 Date of uploading : 27.07.2026

APHC010334852025



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

[3560]

MONDAY, THE 27TH DAY OF JULY, 2026.

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL PETITION NO: 6992/2025

Between:

- 1.G V SRINIVASA RAO, S/O. G.KONDAL RAO, AGED ABOUT 57 YEARS, OCC RTD. GENERAL MANAGER OF INDIAN BANK. R/O. D.NO.2-2-1130/26/A/C/5 (E) 27, PRASHANTHI NAGAR, NEW NALLAKUNTA, HYDERABAD.
- 2.L.SAMBASIVA RAO, S/O. LATE L.VENKATAIAH, AGED ABOUT 78 YEARS, R/O. 101, OMSREE SAI TOWERS, NO.3-6-106/A, STREET NO.19, NEARVIJAYA DIANOSTICS, HIMAYATNAGAR, HYDERABAD.

...PETITIONER/ACCUSED(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AT AMARAVATI.
- 2.THE SUPERINTENDENT, HONBLE COURT OF III JUDICIAL MAGISTRATE OF FIRST CLASS, TIRUPATI.
- 3.N PAVAN KUMAR, S/O. N.SYAMA SUNDAR NAIDU, AGED ABOUT MAJOR, R/O. D.NO. 19-14-11, RAGHAVENDRA NAGAR, TIRUPATI CHITTOOR DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court pleased to quash the proceedings in CC No. 808 / 2024, on the file of the court of Principal Judicial Magistrate of 1st Class, Tirupati, in so far Petitioners / Accused No.1 and 3 and pass

IA NO: 1 OF 2025

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with filing of the certified copy of the Complaint in CC.No.808 / 2024, on the file the Hon'ble Principal Judicial Magistrate of 1st Class, Tirupati before this Hon'ble Court and pass

IA NO: 2 OF 2025

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Stay of all further proceedings in CC No. 808 / 2024, on the file of the court of Principal Judicial Magistrate of 1st Class, Tirupati, including appearance of the petitioners/Accused No.1 and 3 and pass

IA NO: 3 OF 2025

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to vacate the stay order dated 11.07.2025 passed in CRLP No. 6992 of 2025 on file of this Hon'ble High Court along with initiating suitable proceedings under section 379 BNSS and Article 215 Constitution so also awarding exemplary costs to the petitioner herein in the interest of justice; and pass

IA NO: 4 OF 2025

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased may be pleased to dispense with filing of certified copy of the stay order dated 11.07.2025 passed in CRLP No. 6992 of 2025 on file of this Hon'ble High Court in the interest of justice; and pass

IA NO: 1 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to pass appropriate directions for final adjudication

of the above CRLP No. 6992/2025 pursuant to the written submissions and oral arguments already completed by both the contesting parties on or before 06.01.26 prior to the change of roster on 19.01.26 so also pursuant to the ad idem in this regard between the contesting parties in the interest of justice and pass

Counsel for the Petitioner/accused(S):

1.D. KODANDARAMI REDDY

Counsel for the Respondent/complainant(S):

1.PARTY-IN-PERSON

2.PUBLIC PROSECUTOR

The Court made the following Order:

This is an application filed under Section 482 Cr.P.C (Section 528 B.N.S.S) to quash the proceedings in C.C.No.808 of 2024, on the file of the learned Principal Judicial Magistrate of First Class, Tirupathi registered for the offences under Section 193, 196, 199, 200, 211, 120B, 384, 420, 421, 422, 465, 109 read with 34 IPC.

2. To understand the entire gamut of this matter, it is necessary to demonstrate chronology of the facts and the litigations pending between the parties.

i. Initially, mother of 3rd respondent filed a complaint against 1st petitioner and his wife, for the offence punishable under Section 138 of NI Act 1988, with allegations that A1 by exploiting his position as Chief Manager lured her family to lend Rs.50,00,000/- on 08.03.2010 and 13.06.2010 for their real estate investment and business against promissory note to repay with interest at 24% p.a., and also by way of mortgage of three title deds with an undertaking not to alienate the properties untill the discharge of the promissory note jointly executed by A1 and A2. Thereafter A1 and A2 failed to repay the debt, after repeated demands jointly issued a cheque bearing No.06643 dated 08.09.2011 for Rs.25,00,000/- drawn on Indian Bank, Barkatpura, Hyderabad Branch towards partial discharge of the debt. The same was presented for collection and on the dishonour of said cheque, mother of 3rd respondent, P.V.Rajyalakshmi, was constrained to intitiate proceedings under Section 138 read with 142 of N.I.Act, which was taken on

the file as S.T.C.No.441 of 2012 on the file of the learned II Additional Judicial First Class Magistrate, Tirupathi Chittoor District. Later it was remembered as S.T.C.No.83 of 2013 on the file of the learned V Additional Judicial First Class Magistrate, Tirupathi.

ii. Thereafter, wife of 1st petitioner, namely G.Sudharani, filed a private complaint under Sections 190 and 200 Cr.P.C before the Court of the learned IV Additional Chief Metropolitan Magistrate, Hyderabad on 29.06.2012 with allegations that on 28.11.2011 at about 10.00 a.m., 3rd respondent's family trespassed into her house in the absence of her husband/1st petitioner and obtained her signatures in three blank NJ Stamp papers of Rs.100/- by way of threat and also collected three blank cheques with filled figure of Rs.25,00,000/- in one cheque and a covering letter and obtained original land documents. As the police failed to take action on her complaint, she preferred a private complaint. On receipt of the said complaint, on the same day, learned Magistrate referred the complaint to concerned police station to register FIR and for investigation. After completion of investigation, police filed charge sheet. The same was numbered as C.C.89 of 2013 on the file of the learned IV Additional Chief Metropolitan Magistrate, Hyderabad, for the offence punishable under Sections 342, 347, 420, 448, 192, 193, 506 read with 34 IPC.

iii. Later, 1st petitioner and his wife filed a transfer petition bearing Tr.Crl.P.No.280 of 2013 before the Composite High Court at Hyderabad seeking transfer of the case bearing S.T.C.No.83 of 2013 on the file of the

learned III Additional Judicial First Class Magistrate, Tirupathi, to be tried along with C.C.No.89 of 2013 on the file of the learned IV Additional Chief Metropolitan Magistrate, Hyderabad at Nampally. The composite High Court, Hyderabad, on hearing the transfer petition and also considering the age and health condition of accused in C.C.No.89 of 2013 and as the trial of S.T.C.No.83 of 2013 has already been commenced, with a view to avoid conflicting judgment, transferred C.C.No.89 of 2013 on the file of the learned IV Additional Chief Metropolitan Magistrate, Hyderabad to the Court of the learned V Additional Judicial First Class Magistrate, Tirupathi to be tried along with S.T.C.No.83 of 2013.

iv. Later, mother of the 3rd respondent namely P.V.Rajya Lakshmi also preferred a civil suit based on promissory note executed by 1st petitioner and his wife, which was numbered as O.S.No.456 of 2015 on the file of the learned XIII Additional District Judge, Ranga Reddy (L.B.Nagar). It is further stated that wife of 1st petitioner collusively alienated properties under three title deeds in favour of 2nd petitioner (father-in-law of 1st petitioner) and others, so as to frustrate the 3rd respondent's mother from recovery her debt.

v. Thereafter, 3rd respondent along with his parents approached this Court vide CrI.P.No.4438 of 2016 under Section 482 Cr.P.C to quash the proceedings in C.C.No.89 of 2013 (renumbered as C.C.No.154 of 2014) on the file of the learned V Additional Judicial First Class Magistrate, Tirupathi. A coordinate Bench of this Court, after hearing the parties, has allowed the

quash petition by expressly holding that the allegation in private complaint of wife of 1st petitioner are impossible and false.

vi. Thereafter, 3rd respondent filed a complaint before the Court of the learned Principal Judicial Magistrate First Class Tirupathi under Section 340 Cr.P.C. for the offences under Sections 193, 196, 199, 200, 211, 120B, 384, 420, 421, 422, 465, 109 read with 34 IPC for lodging prosecution against present petitioners and wife of 1st petitioner, cited as A2. On the basis of said complaint, learned Magistrate concerned took cognizance and summoned the accused by numbering the same as C.C.No.808. 2024 for the offences under Sections as stated earlier. Hence, this quash petition.

3. Submissions of learned counsel for the petitioners/submissions of the petitioners:

a. It is submitted that by virtue of complaint of 3rd respondent, learned III Additional Judicial Magistrate of First Class, Tirupathi has taken cognizance and transferred the case to the concerned jurisdictional Court, which is abusing the process of law.

b. Petitioners are innocent for the alleged offences and only with a view to harass them, basing on the complaint of 3rd respondent, 2nd respondent has filed a perjury case without any proper inquiry and valid reasons.

c. Private complaint was filed by A2 (wife of 1st petitioner), hence, the present petitioners being A1 and A3 are not responsible for any offence of

perjury whatsoever. Thus, the case against A1 and A3 are liable to be quashed.

d. No evidence or affidavit has been shown or placed before Court by petitioners/A1 and A3 and no full-fledged trial was commenced or completed in the said case. Hence, perjury is not attracted herein.

e. Complaint filed for perjury is not maintainable according to Section 177 Cr.P.C. as the Court of the learned III Additional Judicial Magistrate of First Class, Tirupathi has no jurisdiction to be taken on file of the perjury complaint because the jurisdiction falls at Nallakunta Police Station limits, Hyderabad.

f. A2 (wife of 1st petitioner) filed a private complaint before the learned IV Additional Chief Metropolitan Magistrate, Hyderabad at Nampally. On receiving such complaint, it was forwarded to the concerned police station for investigation under Section 156(3) Cr.P.C. Police, after completion of investigation, has submitted charge sheet and on the basis of the charge sheet, learned Magistrate has taken cognizance in C.C.No.89 of 2013. The cognizance of the offence was taken by the Magistrate at Namapally, Hyderabad. Learned Judicial Magistrate of First Class at Tirupathi has no jurisdiction to take on file the perjury complaint according to Section 127 Cr.P.C.

g. Even after the allegation made in the complaint are taken on their face value and accepted in their entity did not *prima facie* constitute offence against A1 and A3 to make out a case against them.

4. Apart from different grounds taken in the petition for quashing the criminal proceedings, learned counsel for the petitioners at the time of argument has only raised a solitary ground.

5. It is submitted that to establish an offence of perjury there must have statements on oath made by accused before a competent Court and such statement is false to the knowledge of the maker and has direct bearing on the judicial decision. He submits that in this particular case admittedly A1 or A3 have neither sworn any affidavit nor tender any statement on oath before the Court in proceedings relied upon by the complainant. *Prima facie* requirement that is *sine qua non* for invoking perjury proceeding is completely absent against present petitioners (A1 and A3). Hence, instant criminal proceedings against petitioners are liable to be quashed.

6. In support of his contention, the learned counsel for the petitioners cited decisions of the Hon'ble Supreme Court as follows:

- i) ***James Kunjwal v. State of Uttarakhand and another*** reported in ***2024 Law Suit (SC) 686***.
- ii) ***M.S.Ahlawat v. State of Haryana*** reported in ***(2000) 1 SCC 278***
- iii) ***Iqbal Singh Marwah v. Meenakshi Marwah*** reported in ***(2005) 4 SCC 370***
- iv) ***Chajoo Ram v. Radhey Shyam*** reported in ***(1971) 1 SCC 774***
- v) ***Pritish v State of Maharashtra*** reported in ***(2002) 1 SCC 253***
- vi) ***State of Rajasthan v. Daud Khan*** reported in ***(2016) 2 SCC 607***

vii) ***R. Venkatakrishnan v. CBI*** reported in **(2009)11 SCC 737**

7. 3rd respondent, appearing in person, submits that A1 and A3 together with A2 committed the offence to perpetrate additional judicial proceedings at the expense of public justice on the legs of a false case. Offence committed during course of same transaction cannot be split up to avoid bar under Section 195 Cr.P.C. He further submits that even after one of the offences attracts bar under Section 195 Cr.P.C, the remedy for all offences committed during the course of same transaction lies only on through complaint under Section 340 Cr.P.C. He further submits that 1st petitioner/A1 is husband of A2 and 2nd petitioner/A3 is father of A2. All three persons are colluded with each other to file a false case only to harass and delay rightful N.I.Act case filed by mother of 3rd respondent. A1 and A2 are accused in N.I.Act case, being the joint signatory of the dishonored cheque. A3 is the receiver of the property which was disposed of by A2 only to defraud the claim of mother of 3rd respondent against A2. He further submits that A1 and A2 together preferred cumulate transfer petition to erstwhile High Court for State of A.P. only to delay the criminal proceedings under Section 138 of N.I.Act.

8. He further submits that A2 in collusion with A1 and A3 filed false counter-blast criminal case alleging that the original title deeds of A1 and A2 were not deposited as mortgage but has taken forcibly along with cheque and covering letter. The mortgage scheduled properties in the name of A1 and A2 were alienated in the name of A3, while the title deeds were in custody of the concerned civil Court, more particularly, apart from A3 being arrayed as

witness in private complaint of A1 and purportedly gave false statement to police under Section 161 Cr.P.C in above mentioned false criminal case. Then, A3 alienated the same to third parties by which it became difficult to collect debt from A1 and A2 on the legs of the foisted false case. He further submits that there is no alternative remedy against A1 and A3 together with A2 committed an offence to perpetrate false additional judicial proceeding at the expenses of public justice. Eventually, A1 to A3 together succeeded in inflicting irreparable loss to the integrity of multiple judicial proceedings before competent Court.

9. **Observation of this Court:**

This criminal petition is filed under Section 528 of BNSS for quashing a criminal complaint being numbered as C.C.No.808 of 2024 on the file of the learned Principal Judicial Magistrate of First Class, Tirupathi, against A1 and A3/petitioners. On plain perusal of the complaint, it appears that complaint was filed by the Superintendent of the Court of the learned III Additional Judicial Magistrate of First Class, Tirupathi, under Section 340 Cr.P.C. for offences under different Sections of IPC. In the said complaint, it has been clarified one after another in respect of the previous proceedings between the parties.

9.1 First proceeding is S.T.C.No.83 of 2013 filed under Section 138 read with 142 of N.I.Act, by mother of 3rd respondent namely P.V.Rajya Lakshmi.

9.2 Second litigation is a private complaint filed by A2 against 3rd respondent and his parents under Section 120B, 447, 440, 420, 342, 347, 192, 193, 506 read with 34 IPC alleging that on 28.11.2011 at about 10.00 a.m., 3rd respondent and his parents were criminally trespassed into the house of A2 in absence of her husband (A1) and obtained her signatures in three blank non-judicial stamp papers of Rs.100/- by way of threat and also collected three blank cheques with filled figure of Rs.25,00,000/- in one cheque and a covering letter and obtained original land documents.

9.3 Third case, Tr.Crl.P.No.280 of 2013 filed before the composite High Court at Hyderabad by A1 and A2 to transfer the criminal case under Section 138 of N.I.Act from the file of the learned V Additional Judicial Magistrate of First Class, Tirupathi to the file of the learned IV Additional Chief Metropolitan Magistrate, Hyderabad at Nampally.

9.4 Fourth litigation is a civil suit filed by mother of 3rd respondent, P.V.Rajya Lakshmi, based on promissory note executed by A1 and A2, which was numbered as O.S.No.456 of 2015 on the file of the learned XIII Additional District Judge, Ranga Reddy (L.B.Nagar).

10. Facts suggest that the case filed by A2 was under challenge before this Court in a Criminal Petition bearing Crl.P.No.4438 of 2016 and this Court vide its order dated 30.04.2022, quashed the said private complainant of A2, stating it to be a false case with the following observations:

“39. Taking all these documents, it clearly discloses that the defacto complainant only with a malafide intention to frustrate the proceedings

pending between the parties before the competent Court, filed the present complaint and learned Magistrate has also not applied his mind while referring the matter to the police on the same day, under Section 156(3) of Cr.P.C., without considering the fact that the complaint is made nearly after 08 months of the offence occurred, which is contrary to the observations made by the Apex Court in judgments cited supra.

40. Taking the material facts into consideration, the facts of the present case squarely fit within the purview guidelines passed by the Apex Court in State of Haryana v. Bhajan Lal's case and also the law laid down by the Apex Court. Hence, the proceedings against the petitioners liable to be quashed under Section 482 of Cr.P.C., by invoking the inherent power of the High Court."

11. After such order of this Court regarding quashing of the private complaint, 3rd respondent filed a petition before the Court of III Additional Judicial Magistrate of First Class, Tirupathi, to lodge a complaint under Section 340 Cr.P.C., under Sections 193, 196, 199, 200, 211, 120B, 384, 420, 421, 422, 465, 109 read with 34 IPC. On the basis of the complaint of 3rd respondent, learned Court through its Superintendent initiated the impugned criminal complaint/C.C.No.808 of 2024 and forwarded it to the Principal Judicial Magistrate of First Class, Tirupathi for further action. On the basis of such complaint, the learned Magistrate has took the cognizance and issued process against all the accused persons in C.C.No.808 of 2024 for the offences under Sections 193, 196, 199, 200, 211, 120B, 384, 420, 421, 422, 465, 109 read with 34 IPC.

12. To exercise power of questioning under Section 582 BNSS/Section 482 Cr.P.C., High Court should exercise its power very cautiously and particularly

in the rarest of rare cases. The guidelines of Hon'ble Apex Court to quash a criminal proceeding have been time and again set out, ***State of Haryana and others vs. Bhajanlal and others*** reported in ***1992 Supp (1) Supreme Court Cases 335***; it reads as follows:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law, 2 1992 Supp(1) SCC 335 10 enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(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.

(7) Where a criminal proceeding is manifestly attended with malafide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

13. To verify the guidelines as mentioned herein above in **Bhajanlal's** case, whether applicable in the present particular facts and circumstances of the case is the sole question to be determined by this court.

14. The only point raised by learned counsel for the petitioners is that present petitioners being A1 and A3 never makes any statement on oath before a competent court or such statement is false to the knowledge of the maker and has a direct bearing on the judicial decision. Admittedly the private complainant was lodged by A2 and it is also admitted that A1 and A3 are the

close relatives of A2. This Court, at the time of quashing the said private complaint, has come to an opinion that the private complaint was lodged only to frustrate earlier criminal proceedings filed by mother of 3rd respondent under Section 138 of N.I.Act. Admittedly under Section 138 of N.I.Act, 1st petitioner herein was A1. The 1st petitioner and A2 have jointly signed a cheque which was dishonored and subject matter of earlier criminal litigation. It further appears that the petitioners 1 and 2 have made a statement under Section 161 Cr.P.C., before police during investigation of said false case. It is further admitted fact that the properties in question, which are the subject matter of civil suit filed by the mother of 3rd respondent, was disposed of in the name of A3 only for the purpose of defrauding future claim.

15. Present complaint was lodged not only for the allegation of perjury but also several allegations for foisting false case under Section 211 I.P.C as well as cheating and misappropriation of properties, dishonestly or fraudulently preventing debt being available for creditors. Thus, this is not only a case of perjury as argued by the learned counsel for the petitioners.

16. On plain perusal of the entire complaint, it cannot be said that if the allegations are taken on their face value and accepted their entity did not prima facie constitute any offence or make out a case against the present petitioners. Furthermore, instant criminal proceeding was initiated by a competent jurisdictional Court. The reason for initiating complaint was well discussed in paragraph 9 and 10 of the said complaint from which, it cannot be said that complaint was lodged in a mala fide intention.

17. Lets find out law laid down by Hon'ble Apex Court in the cited judgments referred by petitioner; in ***James Kunjwal v. State of Uttarakhand*** case (referred supra), Hon'ble Supreme Court has laid down a law on false affidavit and its effect thereof. In the case, the appellant therein intentionally filed a false affidavit before the High Court, as such, a direction was issued to the Registrar (Judicial) of High Court to file a complaint against him. Hence, law laid down in ***James Kunjwal*** case is factually different and distinguished.

18. In ***M.S.Ahlawat v. State of Haryana*** case (supra), Larger Bench of Hon'ble Supreme Court has set aside the order of conviction made by that Court against petitioner under Section 193 IPC with a view that such order is without jurisdiction and Hon'ble Supreme Court in exercise of power under Section 142 Cr.P.C cannot convict accused without following procedure under Section 195 and 340 IPC. This is also factually different and distinguished.

19. In ***Iqbal Singh Marwah v. Meenakshi Marwah*** case, issue regarding power under Section 195 (1) (b) (ii) Cr.P.C., and its application thereof was in question as to whether a document, which is a foundation of perjury can come under the scope of preliminary enquiry invested under Section 341 of Cr.P.C., when the Court was not in custodial legies of such document. Thus, the factual matrix of this case is also not similar and distinguished.

20. In exercising inherent jurisdiction, a High Court cannot evaluate the offences and allegations therein in the alleged complaint. It is to be borne in mind that in determining whether a case is made out against petitioner/accused, the said complaint has to be taken on its face value no

interpretation thereof is otherwise allowed. Moreover, High Court in exercising jurisdiction under Section 482 Cr.P.C/528 BNSS cannot hold a mini trial to justify correctness or incorrectness of a complaint. Hon'ble Supreme Court in ***Bhajanlal*** case is further guided that on plain perusal of the complaint if it appears such discloses cognizable offence, the same has been accepted in *toto*.

21. Under the above circumstances and after thorough perusal of the entire complaint, it appears to me that this is not a fit case to exercise inherent power of this Court under Section 482 Cr.P.C/Section 528 BNSS to quash C.C.No.808 of 2024 on the file of the learned Principal Judicial Magistrate of First Class, Tirupathi.

22. Accordingly, the instant Criminal Petition is dismissed as devoid of merit. There shall be no order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand disposed of.

JUSTICE SUBHENDU SAMANTA

Date : 27.07.2026

SPP

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL PETITION No.6992 of 2025

Dated 27.07.2026

SPP