

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

CRIMINAL PETITION NO.5522 OF 2021

Between:

Lagadapati Praveen Kumar

... Petitioner(s)

Versus

State of Andhra Pradesh and another

...Respondents

* * * * *

DATE OF ORDER PRONOUNCED : 07.05.2026

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

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

JUSTICE K.SREENIVASA REDDY

*** HONOURABLE SRI JUSTICE K.SREENIVASA REDDY**
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Between:

Lagadapati Praveen Kumar

... Petitioner(s)

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! Counsel for the Petitioner(s) : Sri Ginjupalli Subba Rao

^ Counsel for the Respondents : 1. Public Prosecutor

2.

< Gist:

> Head Note:

? Cases referred:

1. (1997) 7 SCC 431.

This Court made the following:

Date on which Order/Judgment was reserved : 08.04.2026
 Date on which Order/Judgment was pronounced : 07.05.2026
 Date on which Order/Judgment was uploaded on the website of the High Court : 07.05.2026

APHC010364592021



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

[3327]

THURSDAY, THE SEVENTH DAY OF MAY
 TWO THOUSAND AND TWENTY SIX

PRESENT**THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY****CRIMINAL PETITION NO: 5522/2021****Between:**

1. LAGADAPATI PRAVEEN KUMAR @PRAVEEN, S/O VENKATESWARA RAO, AGED 38 YEARS, R/O D.NO.16-118, PADAMATA BAZAR, PENUGANCHIPROLU (V AND M), KRISHNA DISTRICT
2. PAVULURI VAMSI KRISHNA, S/O SRINIVASA RAO, AGED 28 YEARS, R/O D.NO.3-64/1, MAGALLU (V) NANDIGAMA (M), KRISHNA DISTRICT

...PETITIONER/ACCUSED(S)**A N D**

1. STATE OF ANDHRA PRADESH, (THROUGH STATION HOUSE OFFICER, JAGGAIAHPET PS, KRISHNA DISTRICT) REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF AP, AMARAVATHI
2. SAMINENI VENKATA KRISHNA PRASAD, S/O UDAYA BHANU, AGED 38 YEARS, R/O ADDALA BAZAAR, JAGGAIAHPET, KRISHNA 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 may be pleased to quash the FIR No.354 of 2021 of Jaggaiahpet Police Station, Krishna District registered against the petitioners herein, for the offences punishable

under Sections 153, 120 (b) and 505 (2) of IPC and Sec.66 of IT Act-2000-2008 and to pass such

IA NO: 1 OF 2021

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 the filing of the certified copy of FIR No.354 of 2021, on the file of Jaggaiahpet PS, Krishna District before this Honourable Court and pass such

IA NO: 2 OF 2021

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 stay all further proceedings including the arrest of the petitioners herein in FIR No.354 of 2021 of Jaggaiahpet Police Station, Krishna District and pass such

Counsel for the Petitioner/accused(S):

1.GINJUPALLI SUBBA RAO

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR (AP)

The Court made the following:

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO.5522 OF 2021

ORDER

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for brevity 'CrPC') has been filed by the petitioners/ Accused Nos.1 and 2, to quash the proceedings in Crime No.354 of 2021 of Jaggaiahpet Police Station, Krishna District, registered against the petitioners/A1 and A2 and other accused, for the offences punishable under Sections 153, 120B, 505 (2) of the Indian Penal Code, 1860 (for brevity 'IPC') and Section 66 of the Information Technology Act, 2000 (for brevity 'the ITA, 2000').

2. Brief facts of the report, preferred by the respondent No.2/ *de facto* complainant, are that the respondent No.2/*de facto* complainant is doing business in Jaggaiahpet and in Hyderabad; that his father viz. Samineni Udaya Bhanu is elected as Member of Legislative Assembly of Jaggaiahpet for Three (03) times and he has been working as Government Whip for second time; that some people, having bore grudge against the family of respondent No.2/*de facto* complainant, on 25.09.2021 circulated a post in the social media with a caption that '*YCP Leader Samineni Udaya Bhanu's son arrest in drugs*

case'. It was further written in the said post that the respondent No.2/*de facto* complainant caught red-handedly while transporting 60 kgs of Ganja, illegally; that the said post was circulated widely and due to such false propaganda, it damaged the reputation of respondent No.2/*de facto* complainant and his father, and on inquiry, the respondent No.2/*de facto* complainant came to know that the petitioners/A1 and A2 and some others are the conspirators of the said circulation of false news. The case was reported to police and a case in Crime No.354 of 2021 of Jaggaiahpet Police Station was registered for the aforesaid offences and investigated into.

3. Learned counsel for the petitioners/A1 and A2 would contend that the offence punishable under Section 153 of IPC would not attract as against the petitioners/A1 and A2, for the reason that, there is no provocation to any person, that such provocation caused an offence of rioting. According to him, in order to attract the aforesaid provision, some act of origination of a riot by doing an illegal act, infuriating to the feelings of those, who ultimately come to riot, has to be established. According to the learned counsel, no such rioting has been taken place, and in view of the said reason, the accusation under Section 153 of IPC would not be attracted and the same cannot be invoked as against the petitioners/A1 and A2.

Learned counsel would further contend that Section 505 (2) of IPC as against the petitioners/A1 and A2 also would not attract, for the reason that, the news that has been circulated does not create or promote feelings of enmity, hatred or ill-will between different religious, racial groups or castes or communities on the ground of religion, race, place of birth etc. Hence, the offence under Section 505 (2) of IPC would not attract as against the petitioners/A1 and A2. According to learned counsel, offence under Section 66 of the IT Act, 2000 also would not attract as against the petitioners/A1 and A2, as no offence is made out.

4. On the other hand, learned Special Assistant Public Prosecutor representing the State concedes that the offence under Section 153 of IPC would not attract as against the petitioners/A1 and A2, but in respect of the offence punishable under Section 505 (2) of IPC, it would attract as against the petitioners/A1 and A2, for the reason that, Section 505 (2) of IPC contemplates creating or promoting enmity, hatred, or ill-will between classes or communities and there is specific accusation as against the petitioners/A1 and A2 that they created and promoted false propaganda as against the respondent No.2/complainant and his family, and according to learned Special Assistant Public Prosecutor the petitioners/A1 and A2 and the

respondent No.2/complainant belonged to two different groups, therefore, the aforesaid offences would attract as against the petitioners/A1 and A2. Hence, it is prayed to dismiss the Criminal Petition.

5. Heard the learned counsel for the petitioners/A1 and A2 and learned Special Assistant Public Prosecutor for respondent No.1/ State. Perused the material available on record.

6. A perusal of the material on record goes to show that prior to 26.09.2021 at about 10.00 a.m. the respondent No.2/complainant filed a handwritten complaint as against the petitioners/A1 and A2 on the ground that the petitioners/A1 and A2 and other accused conspired together and created an adverse news against him, misusing the electronic devices and media that, the respondent No.2/complainant was arrested for transporting 60 kgs of Ganja and he was grilled in inquiry by police by defaming their honour. It was further alleged that the alleged fake news has been circulated with intent to promote enmity. According to the respondent No.2/complainant, the petitioners/A1 and A2 and other accused were involved in the subject crime.

7. Section 153 of IPC is with regard to wantonly giving provocation with intent to cause riot. It reads as under:

“Whoever malignantly, or wantonly by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequences of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both, and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.”

8. The essential ingredients of an offence punishable under Section 153 of IPC are, there must be an illegal act done maliciously or wantonly, providing provocation to any person, and with the intent or knowledge that such provocation will cause the offence of rioting. In **Bilal Ahmed Kaloo v. State of Andhra Pradesh**¹, the Hon’ble Apex Court while drawing distinction between Section 153A of IPC and Section 505 (2) of IPC held that *the common ingredient in both the offences is promoting feeling of enmity, hatred or ill-will between different religious or racial or linguistic or regional groups or castes or communities. Section 153A covers a case where a person by ‘words, either spoken or written, or by signs or by visible representations’ promotes or attempts to promote such feeling. Under Section 505 (2), promotion of such feeling should have been done by making and*

¹ (1997) 7 SCC 431.

publishing or circulating any statement or report containing rumour or alarming news.”

9. Time and again, this Court and the Hon'ble Apex Court consistently holds that an offence under Section 153/153A IPC requires proving *mens rea* (guilty intention) to provoke violence or create public disorder. It mandates that speech must be evaluated for promoting enmity or hatred, emphasizing that mere criticism of the government is not a crime. Further, the accused, who has not done anything directly against a specific community, or was not part of a group/rally raising such animosity, they cannot be held guilty merely by association or on suspicion under Section 153A of IPC. A perusal of the contents of the report goes to show that there is no specific accusation as against the petitioners/A1 and A2 that because of the circulation of false propaganda, there occurred rioting. *Prima facie* in the absence of any such words that has been promoted, this Court without there being any hesitation comes to a conclusion that an offence under Section 153 of IPC would not attract as against the petitioners/A1 and A2.

10. Section 505 of IPC deals with Statements conducing to Public Mischief. Section 505 (2) of IPC reads as under:

“Statements creating or promoting enmity, hatred or ill-will between classes.— Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.”

A plain reading of the aforesaid provision goes to show that the said provision is almost analogous to the provision under Section 153 (a) of IPC, but there appears to be a variation in the above provision to the extent that whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever.

11. In the present case on hand, a statement has been made that the respondent No.2/complainant was arrested for transporting 60 kgs of Ganja and he was grilled in inquiry by police, thereby, the honour of the respondent No.2/complainant has been damaged. The alleged news has been circulated widely with a view to promote enmity between two groups. Whether the said act has been done by the

petitioners/A1 and A2 or not, is the disputed question of fact, which has to be decided during the course of investigation. When a specific accusation has been made in the FIR, it is essential for the Investigating Officer to conduct investigation in that perspective and come to a conclusion as to whether the said offence is made out or not.

12. Time and again, this Court and the Hon'ble Apex Court held that the FIR is not a substantive piece of evidence, it is referred to be as crucial preliminary information reported by the victim used to protect the integrity of a witness testimony during trial. Further, the FIR is not a detailed chronicle of all intricate and minute details of an offence. It is a settled law that merely the FIR is foundation of investigation, it cannot be replaced for formal evidence in the Court. Basing on the accusation contained in the FIR, it is essential for the Investigating Officer to proceed with the investigation and to cull out the material to come to a conclusion as to whether the offence in the FIR is made out or not. In these circumstances, this Court is of the opinion that, *prima facie* at this stage, the proceedings under Sections, 120B, 505 (2) of IPC and Section 66 of the Information Technology Act, 2000 cannot be interfered in the present Criminal Petition.

13. Accordingly, the Criminal Petition is allowed in part, quashing the proceedings in Crime No.354 of 2021 of Jaggaiahpet Police Station, as against the petitioners/A1 and A2 for the offence punishable under Section 153 of IPC. In respect of the prayer, to quash the proceedings in Crime No.354 of 2021 of Jaggaiahpet Police Station, as against the petitioners/A1 and A2 for the offences punishable under Sections 120B, 505 (2) of IPC and Section 66 of the Information Technology Act, 2000, is dismissed.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

JUSTICE K. SREENIVASA REDDY

7th May, 2026.

Note:

LR Copy to be marked.

B/o.
DNB