

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 15532 OF 2025

Between:

Mangali Bhargav Kumar, S/o. Venkatesh, Aged about 24 years, Occ: Student
(B.Tech 2nd Year), R/o. Shadnagar Village and Mandal, Ranga Reddy District.
...**PETITIONER/ACCUSED**

AND

1. The High Court of Telangana, Judicature at Hyderabad, Rep. by its Public
Prosecutor
...**RESPONDENT NO.1**
2. Subba Ratnam Chinthapally, W/o. Venkat Rao, Aged about 40 years, Occ:
Housewife, R/o. Shadnagar Village and Mandal, Ranga Reddy District.
...**RESPONDENT NO.2/DEFACTO COMPLAINANT**

Petition under Section 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 Proceedings in C.C. No.470 of 2025 in Crime No.39 of 2024 for the offences under Section 420 I.P.C, Section 66-D of I.T. Act on the file of IX Additional Metropolitan Magistrate, Kukatpally at Prashanth Nagar, Cyberabad

I.A. NO: 2 OF 2025

Petition under Section 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 Proceedings in C.C. No.470 of 2025 in Crime No.39 of 2024 for the offences under Section 420 I.P.C, Section 66-D of I.T. Act on the file of IX Additional Metropolitan Magistrate, Kukatpally at Prashanth Nagar, Cyberabad pending disposal of the Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri RAPOLU BHASKAR, Advocate for the Petitioner and SRI. JITHENDER RAO VEERAMALLA, Additional Public Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No.2

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SMT.JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.15532 of 2025

Date:08.01.2026

Between:

Mangali Bhargav Kumar

...Petitioner/Accused

And

State of Telangana,
Rep. by the Public Prosecutor,
High Court for the State of Telangana,
Hyderabad and another.

... Respondents

ORDER:

This criminal petition is filed seeking to quash the proceedings against the petitioner-accused in CC No.470 of 2025 on the file of IX Additional Metropolitan Magistrate, Kukatpally at Prashanth Nagar, Cyberabad, registered for the offences under Sections 420 IPC and 66 D of the Information Technology Act (for short 'IT Act').

2. Heard Sri Rapolu Bhaskar, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for the respondent No.1-State.

3. Learned counsel for the petitioner has submitted that the petitioner is a student and that allegation that he has created a video

and circulated on YouTube is utterly false and that the pendency of this crime against the petitioner is spoiling his career. Even the ingredients of the complaint do not attract the offence under Section 66 D of the IT Act. He, therefore, prayed to quash the proceedings against the petitioner.

4. The learned Additional Public Prosecutor has submitted that if the petitioner has any grievance with the work done by the *de facto* complainant, the petitioner has to settle the matter by getting work done through the *de facto* complainant but cannot post objectionable videos causing loss of reputation to the *de facto* complainant. He, therefore, prayed to dismiss the petition.

5. Perused the record.

6. The contents of the complaint point out that the *de facto* complainant along with his family members migrated to Shadnagar for livelihood and LW.2, who is the husband of the LW.1-*de facto* complainant used to undertake construction work of the houses in the surrounding areas on contract. As a part of their construction work, they have undertaken the construction work to a house in the land which belongs to one Mangali Venkatesh, who is the father of the petitioner herein. While the construction was in progress, LW.2

expressed that the labour charges got hiked and therefore he requested to pay excess amount for which the parents of the petitioner agreed and paid Rs.2,60,000/- to LW.2. But, even after completion of one year, the *de facto* complainant failed to hand over the constructed house and the walls in the house developed cracks. By keeping all these in mind, the petitioner herein, in order to defame LW.2 and his family has taken the photographs of the LW.2 and his family members and other labourers from Instagram and further has captured live movements and further created fake videos, uploaded them in YouTube by giving his voice over with an intention that no others would give contract to LW.2 and his family. Thus, FIR is registered for the offences under Sections 420 IPC and 66D of IT Act against the petitioner.

7. The said sections are extracted hereunder for the sake of convenience:

Section 420 IPC:

"420. Cheating and dishonestly inducing delivery of property.—

Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be

punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."

Section 66D of IT Act:

"66D. Punishment for cheating by personation by using computer resource.-

Whoever, by means of any communication device or computer resource cheats by personation, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one lakh rupees."

8. The ingredients of the complaint do not attract the offence under Section 420 IPC. There is no dishonest inducement on the part of the petitioner and it is not the case of the *de facto* petitioner that he was made to deliver any property, therefore, the ingredients of Section 420 IPC does not attract at all.

9. As far as Section 66D of IT Act is concerned, it is not the case of the *de facto* complainant that the petitioner herein has impersonated him while creating the alleged video. Hence, even the offence under Section 66 D of IT Act does not get attracted according to the allegations levelled against the petitioner herein.

Therefore, continuation of proceedings against the petitioner would be an abuse of process of law in view of the principle laid down by the Hon'ble Apex Court in **State of Haryana v. Bhajanlal**, wherein it was held that:

"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."

10. Hence, in the light of the above cited decision and in view of the above held discussion, the proceedings against the petitioner are liable to be quashed.

11. In the result, the Criminal Petition is allowed and the proceedings against the petitioner-accused in CC No.470 of 2025 on the file of IX Additional Metropolitan Magistrate, Kukatpally at Prashanth Nagar, Cyberabad, are hereby quashed.

Miscellaneous Petitions pending, if any, shall stand closed.

SD/- C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IX Additional Metropolitan Magistrate, Kukatpally at Prashanth Nagar, Cyberabad
2. The Station House Officer, Kothur Police Station, Kothur, Cyberabad District
3. One CC to SRI RAPOLU BHASKAR Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

HIGH COURT

DATED: 08/01/2026

ORDER
CRLP.No.15532 of 2025

ALLOWING THE CRIMINAL PETITION

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