

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTY SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION Nos: 4420 and 4435 OF 2026

CRIMINAL PETITION NO: 4420 OF 2026

Between:

Kandula Satya Nagendra, S/o Kandula Surendranath, Aged About 30 Years,
Occ. Private Employee, R/o. Flat No.303, Sri Harsha Residency 2, Padma Nagar
Phase 2,Chinthal,Quthbullapur, Medchal-Malkajgiri Dist, Telangana - 500054.

...PETITIONER/A1

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad.
2. The Station House Officer, Mangapet Police Station, Mulugu.
3. Smt. Lavanya Yellavula, D/o Narsimha Rao, Aged about 24 years, Occ. Housewife, R/o Rajupet Village, Mangapet Mandal, Mulugu Dist, Telangana-506172.

...Respondents/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 FIR No.26 of 2026, Dated 06/02/2026, on the file of Mangapet Police Station, Mulugu, Telangana against the Petitioners for the offence punishable U/s 85 BNS, 3,4 DPA.

I.A. NO: 2 OF 2026

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 all

further proceedings in FIR No.26 of 2026, Dated 06/02/2026, on the file of Mangapet Police Station, Mulugu, Telangana, against the Petitioner, pending disposal of the present quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M Ke. hav Yadav, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent Nos. 2 & 3.

CRIMINAL PETITION NO: 4435 OF 2026

Between:

1. Kandula Surendranath, S/o Kandula Satyam, Aged about 54 years, Occ.Pvt Emp, R/o H.No. 49-405/3/e/104, Victory Plaza, Padma Nagar Phase-II, Chintal, Quthuallapur Mandal, Medchal- Malkajgiri Dist TG.
2. Kandula Vijaya Lakshmi,, W/o Kandula Surendranath, Aged about 48 years, Occ. House Wife, R/o H.No. 49-405/3/e/104, Victory Plaza, Padma Nagar Phase-II, Chintal, Quthuallapur Mandal, Medchal- Malkajgiri Dist TG

...Petitioners/A2 and A3

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad.
2. The Station House Officer, Mangapet Police Station, Mulugu.
3. Smt. Lavanya Yellavula, D/o Narsimha Rao, Aged about 24 years, Occ. Housewife, R/o Rajupet Village, Mangapet Mandal, Mulugu Dist, Telangana-506172.

...Respondents/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 FIR No.26 of 2026, Dated 06.02.2026, on the file of Mangapet Police Station, Mulugu, Telangana against the Petitioners for the offence punishable U/s 30 BNS, 3,4 DPA. and Pass such other order or orders as may be deemed just and proper in the circumstances of the case and in the interest of justice.

I.A. NO: 2 OF 2026

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 with all further proceedings in FIR No.26 of 2026, Dated 06.02.2026, on the file of Mangapet Police Station, Mulugu, Telangana against the Petitioners, pending disposal of the present quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M Keshav Yadav, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent No. 2 & 3.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION Nos. 4420 and 4435 of 2026

Date: 26.03.2026

Crl.P.No.4420 of 2026

Between:

Kandula Satya Nagendra

...Petitioner/accused No.1

AND

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

...Respondents

Crl.P.No.4435 of 2026

Between:

Kandula Surendranath and another

...Petitioners/accused Nos.2 and 3

AND

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

..Respondents

COMMON ORDER

These Criminal Petitions are filed seeking to quash the proceedings in F.I.R. No.26 of 2026 of Mangapet Police Station, Mulugu, wherein the petitioners are arrayed as accused Nos.1 to 3 for the offences punishable under Section 85 of the Bharatiya

Nyaya Sanhita, 2023 (for short, 'BNS') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short 'DP Act').

2. Heard Ms. A. Bhagyalakshmi, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for the respondent Nos.1 and 2.

3. Learned counsel for the petitioners submitted that the petitioners have not committed the alleged offences and that they have been falsely implicated in the present case. Respondent No.3 lived along with the petitioner/accused No.1 only for a period of 16 days and she voluntarily left the matrimonial house. The petitioners never harassed respondent No.3 for additional dowry. Hence, the ingredients of the offences under Section 85 of BNS and Sections 3 and 4 of DP Act are not attracted against the petitioners. She further submitted that the offences leveled against the petitioners are punishable with imprisonment up to seven years. However, the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the BNSS, the guidelines issued by the Apex Court in *Arnesh Kumar Vs.*

*State of Bihar*¹, the principles laid down by the Hon'ble Apex Court in *Md. Asfak Alam v. The State of Jharkhand & another* (Crl.A.No.2207 of 2023) dated 31.07.2023, and also the circular issued by this Court in ROC.No.1399/SO/2023 dated 09.08.2023, is proceeding with the investigation, which is contrary to law. Hence, the continuation of proceedings against the petitioners is a clear abuse of process of law.

4. *Per contra*, the learned Additional Public Prosecutor, basing upon the written instructions dated 25.03.2026 furnished by the Sub-Inspector of Police, Mangapet Police Station, Mulugu District, submitted that the Investigating Officer issued notice under Section 35(3) of the BNSS to petitioner Nos.2 and 3/accused Nos.2 and 3 on 23.03.2026. However, the Investigating Officer will issue notice under Section 35(3) of BNSS to petitioner No.1/accused No.1 and that the Investigating Officer will follow the procedure prescribed under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar**

¹(2014) 8 SCC 273

(*supra*) and requested this Court to direct the petitioner/accused No.1 to cooperate with the investigation.

5. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the offences leveled against petitioners/accused Nos.1 to 3 are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer has already issued notice under Section 35(3) of the BNSS to petitioner Nos.2 and 3/accused Nos.2 and 3 on 23.03.2026 and recorded the statements of LWs-1 to 5. In view of the same, petitioner No.1/accused No.1 is entitled to submit his reply whenever he receives the notice by enclosing all relevant documents. The Investigating Officer is further directed to scrupulously follow the procedure as contemplated under the provisions of the BNSS and the guidelines laid down by the Hon'ble Apex Court in *Arnesh Kumar supra* and conclude the investigation.

6. Accordingly, both the Criminal Petitions are disposed of.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/- A.V.S.PRASAD
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Additional Judicial Magistrate of First Class at Mulug.
2. The Station House Officer, Mangapet Police Station, Mulug District.
3. Two CCs to Public Prosecutor High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri M Keshav Yadav, Advocate [OPUC]
5. Two CD Copies

DL/PSL

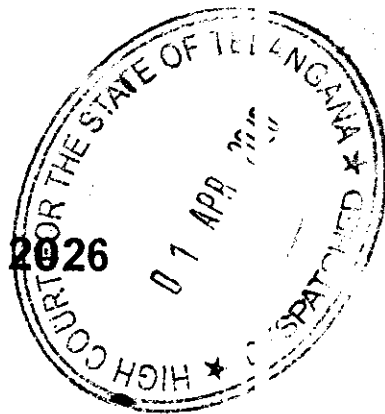


HIGH COURT

DATED: 26/03/2026

COMMON ORDER

Crl.P. Nos: 4420 and 4435 OF 2026



DISPOSING OF THE CRIMINAL PETITIONS

8 NT
11/4/26