

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

**WEDNESDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 4790 OF 2026

Between:

Paladugula Kiran Kumar, S/o. Late Paladugula Rajaiah, Aged about 58 years,
Occ. Doctor, R/o. H.No. 12-209/D, Near Venkateshwara Theatre, Thorrur,
Mahabubabad, Telangana.

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the
State of Telangana, High Court Buildings, Hyderabad, through PS, Thorrur,
Mahabubabad District.

...Respondent No.1

2. Kalyani Supriya, W/o. K. Vamshi, Aged about 21 years, Occ. Housewife, R/o.
Thorrur, Thorrur Mandal, Mahabubabad, Telangana.

...Defacto Complainant/Respondent No.2

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 against Petitioner/Accused in Crime no. 78 of 2026 on the file
of P.S., Thorrur at Mahabubabad, U/s. 74, 74 and 79 BNS.

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 against Petitioner/Accused in Crime no. 78 of 2026 on
the file of P.S., Thorrur at Mahabubabad U/s. 74, 74 and 79 BNS, pending disposal
of the present petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds
of Criminal Petition and upon hearing the arguments of Sri Sai Prasanna, learned
counsel representing Sri Allam Nagaraju, Advocate for the Petitioner and Sri
Jithender Rao Veeramalla, learned 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 HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.4790 of 2026

Date: 01.04.2026

Between:

Paladugula Kiran Kumar

...Petitioner/Accused

AND

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

...Respondents

Order:

This Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short 'the BNSS') by the petitioner/accused seeking to quash the proceedings in Crime No.78 of 2026 of Thorrur Police Station, Mahabubabad, wherein the petitioner was arrayed as sole accused for the offences punishable under Sections 74, 75 and 79 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'the BNS').

2. Heard Ms. Sri Prasanna, learned counsel representing Mr. Allam Nagaraju, learned counsel for the petitioner and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for respondent No.1.

3. Learned counsel for the petitioner vehemently submitted that the petitioner has not committed any offences and he has been falsely implicated in the present crime. He further submitted that though the petitioner discharged his duty as a Doctor, respondent No.2 implicated him in the present crime by making omnibus allegations. Even according to the allegations made in the complaint, the ingredients for the offences under Sections 74, 75 and 79 of BNS are not attracted against the petitioner. The offences leveled against the petitioner 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 petitioner is a clear abuse of process of law.

4. *Per contra*, the learned Additional Public Prosecutor submitted that there are specific allegations levelled against the

¹(2014) 8 SCC 273 ~

petitioner to attract the ingredients. However, the offences levelled against the petitioner are punishable with imprisonment up to seven years. The Investigating Officer has already issued a notice under Section 35(3) of the BNSS to petitioner/accused on 16.03.2026 and petitioner is entitled to submit his grievance/reply before the Investigating Officer along with relevant documents. It is further submitted that the Investigating Officer recorded the statements of LWs 1 to 4 and the investigation is under progress. Hence, the petitioner is not entitled to seek quashing of the proceedings at this stage.

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 levelled against petitioner/accused is 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/accused on 16.03.2026. In view of the same, petitioner is entitled to submit his reply by raising all the pleas which are available to them and they are also entitled to submit the documents, which are in their custody. The Investigating Officer is further directed to scrupulously follow the procedure as contemplated under the

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provisions of the BNSS and the guidelines laid down by the Hon'ble Apex Court in **Arnesh Kumar** *supra* and conclude the investigation. It is needless to mention that the petitioner shall cooperate with the investigation.

6. Subject to the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

**SD/- P C SULEKHA DEVI,
ASSISTANT REGISTRAR**

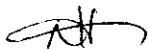
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SECTION OFFICER

To,

1. The Judicial First Class Magistrate At Thorrur.
2. The Station House Officer, Thorrur Police Station, Mahabubabad District.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri Allam Nagaraju, Advocate [OPUC]
5. Two CD Copies

GNK



HIGH COURT

DATED: 01/04/2026

ORDER

CRLP.No.4790 of 2026



DISPOSING THE CRIMINAL PETITION

⑧ NT
13/4/26.