

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

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 4758 OF 2026

Between:

Kaluva Vasudeva Reddy, S/o Late Papi Reddy, aged about 75 years, Occ.
Retired Employee, R/o H.No 8-15, Chelpoor Village, Huzurabad Mandal,
Karimnagar District

...Petitioner/Accused

AND

1. The State of Telangana, through SHO Huzurabad Town RS, Karimnagar District,
Rep. by Public Prosecutor, High Court of Telangana

...Respondent No.1

2. Sri. Ellandula Anand, S/o. Mallaiah, Age 63 years, Occ. Retired Singareni
Employee R/o. Jupaka Village, Huzurabad Mandal, Karimnagar District.

...Respondent No.2/De-facto Complainant

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in
the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to
QUASH the F.I.R. No. 89/2026, dated 20-03-2026 on the file of P.S Huzurabad
Karimnagar District against the Petitioner.

I.A. NO: 1 OF 2026

Petition under Section 528 of B.N.S.S. 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 including the arrest of the petitioner, in F.I.R. No. 89/2026, dated 20-03-2026 on the file of P.S Huzurabad, Karimnagar District, pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri V Ramesh Kumar, 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 HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.4758 of 2026

Date: 21.04.2026

Between:

Kaluva Vasudeva Reddy

...Petitioner

AND

The State of Telangana and another.

...Respondents

Order:

This Criminal Petition has been filed seeking to quash the proceedings in F.I.R. No.89 of 2026 of Huzurabad Town Police Station, registered for the offences punishable under Sections 329(3), 324(4), 292. of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Sections 3(1)(r)(s) and 3(2)(va) of the SCs/STs (POA) Amendment Act, 2015.

2. Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor, submitted that pursuant to the order dated 01.04.2026, Assistant Commissioner of Police, Huzurabad, served notice to respondent No.2 about filing of the present criminal petition and listing of the matter, on 21.04.2026 and placed a copy of the said notice. In spite of service of notice, respondent No.2 has not chosen to enter appearance.

3. Heard Mr.V.Ramesh Kumar, learned counsel for the petitioner, and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for respondent No.1. ' With their consent, the criminal petition is disposed of at the admission stage.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he has been falsely implicated in the present crime. The petitioner filed a suit in O.S. No.167 of 2023 before the Principal Junior Civil Judge at Huzurabad, for grant of perpetual injunction, wherein respondent No.2 was arrayed as defendant No.3 and when the said suit is pending before the said Court in respect of the very same property as alleged in the complaint, respondent No.2 filed the present complaint by giving it a criminal colour. The allegations levelled in the complaint are purely civil in nature and the petitioner never abused respondent No.2 in the name of his caste and the ingredients of the offences under Sections 329(3), 324(4), 292 of the BNS and Sections 3(1)(r)(s) and 3(2)(va) of the SCs/STs (POA) Amendment Act, 2015, are not attracted against the petitioner. He further submitted that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. However, the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') and the guidelines issued by

the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹, is proceeding with the investigation and the same is contrary to law.

5. Learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioner to attract the offences under Sections 329(3), 324(4), 292 of the BNS and Sections 3(1)(r)(s) and 3(2)(va) of the SCs/STs (POA) Amendment Act, 2015 and the investigation is under progress. He further submitted that when the Investigating Officer is tried to serve the notice under Section 35(3) of the BNSS, the petitioner is not coming forward to receive the notice and not cooperating with the investigation. However, the Investigating Officer will follow the procedure as contemplated under Section 35(3) of the BNSS to the petitioner.

6. Learned counsel for the petitioner by way of reply submitted that the petitioner will appear before the Investigating Officer and cooperate with the investigation.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that even according to the allegations levelled in the complaint, the offences levelled against the petitioner are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer wants to follow the procedure under Section 35(3) of the BNSS. In view of the same,

¹(2014) 8 SCC 273

the petitioner is directed to appear before the Investigating Officer on or before 03.05.2026 and on such appearance, the Investigating Officer is directed to follow the due procedure as prescribed under the provisions of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** (supra). It is needless to mention that the petitioner is entitled to put forth his grievance before the Investigating Officer and he is also entitled to submit the documents, which are in his custody.

8. With the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- A.SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The First Additional Judicial First Class Magistrate at Huzurabad.
2. The Station House Officer Huzurabad Town, Karimnagar District
3. One CC to Sri V Ramesh Kumar, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

Ba/KA

HIGH COURT

DATED: 21/04/2026



ORDER

CRLP.No.4758 of 2026

DISPOSING OF THE CRIMINAL PETITION

(8)
MT
24/4/26