

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

WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6748 OF 2026

Between:

Gandhe Venumadhava Rao,, S/o. Dharmarao @ Kranthi Rao, aged about 64 years, Occupation. Retired Government Employee, R/o. House No. 1-24-591, Road No. 5, Maruthinagar, Tirumalagiri, Hyderabad - 500 015

.....PETITIONER/ACCUSED

AND

1. The State of Telangana, through the Station House Officer, P.S. Gollapally,, Jagtial District, represented by the Public Prosecutor, High Court for the State of Telangana, Hyderabad.

....RESPONDENT NO.1

2. Bekkam Rajanarsamma,, D/o. Pochaiah, aged about 50 years, Occupation. Housewife, R/o. House No. 3-69, Vengalapur Village, Gollapally Mandal, Jagtial District

.....RESPONDENT NO 2/DE-FACTO 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 proceeding in Crime No. 51 of 2026, dated 17-03-2026, of P.S. Gollapally, Jagtial District.

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 including appearance of the Petitioner in Crime No. 51 of 2026, dated 17-03-2026, of P.S. Gollapally, Jagtial 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 CHEKURI YADAGIRI , Advocate for the Petitioner and the SRI. JITHENDER RAO VEERAMALLA, Additional Public Prosecutor on behalf of the Respondent No.1 and of None Appeared for the Respondent No. 2

The Court made the following: ORDER

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 6748 of 2026

DATE: 06.05.2026

Between :

Gandhe Venumadhava Rao

....Petitioner/Accused

AND

The State of Telangana and another.

....Respondents

: O R D E R :

This Criminal Petition has been filed by the petitioner/accused seeking to quash the proceedings in F.I.R.No.51 of 2026 of Gollapally Police Station, Jagtial District, registered for the offences punishable under Sections 318(4) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s) and 3(2)(Va) of the Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Act, 1989.

2. When this matter was came up for consideration on 29.04.2026, this Court directed the learned Additional Public Prosecutor to inform respondent No.2 about filing of the present criminal petition. Pursuant to the said order, learned Additional Public Prosecutor on 04.05.2026 submitted that the Investigating Officer served the notice on respondent No.2 on 03.05.2026 and placed on record a copy of the said intimation. In spite of service of notice, respondent No.2 has not chosen to enter appearance.

3. Heard Mr. Chekuri Yadagiri, learned counsel for the petitioner, and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and has been falsely implicated in the present crime. The allegations made in the complaint are purely civil in nature in respect of land to an extent of Ac.1.00 gts. and respondent No.2 ought to have approached the competent civil Court. However, she filed the present complaint by giving it a criminal colour. Hence, the continuation of the proceedings against the petitioner is a clear abuse of the process of law. 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'), 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 Assistant Public Prosecutor submitted that there are specific allegations levelled against the petitioner, which require investigation, especially the investigation is under progress. However, as the imprisonment prescribed for the offences levelled against the

¹(2014) 8 SCC 273

petitioner is less than seven years, the Investigating Officer will follow the due procedure as contemplated under law.

6. Having considered the submissions made by the respective parties and upon perusal of the material available on record, it reveals that the offences levelled against the petitioner are punishable with imprisonment up to seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer will follow the due procedure as contemplated under law. In view of the same, the Investigating Officer is directed to scrupulously follow the procedure contemplated under the provisions of the BNSS and the guidelines and principles issued by the Hon'ble Apex Court in **Arnesh Kumar** (*supra*) and conclude the investigation. The petitioner is directed to cooperate with the Investigating Officer. It is needless to state that the petitioner is entitled to submit explanation/reply as soon as received the notice from the Investigating officer, by raising all the pleas which are available to the petitioner, by enclosing the documents.

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

Pending miscellaneous applications, if any, shall stand closed.

SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

u TRUE COPY u

SECTION OFFICER

To,

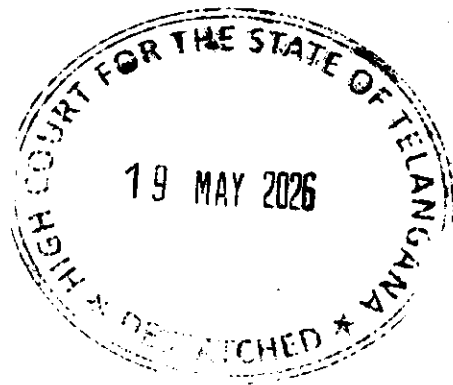
1. The Station House Officer, Gollapally Police Station Gollapally, Jagtial District.
2. One CC to SRI CHEKURI YADAGIRI Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
4. **Two CD Copies**

HIGH COURT

DATED: 06/05/2026

ORDER

CRLP.No.6748 of 2026



DISPOSING THE CRIMINAL PETITION

(Signature)
14/5/26