

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

**MONDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6962 OF 2026

Between:

1. Nelapati Vijaya Kumari, alias Nelapati Laxmi Vijaya Kumari ,, W/o Nelapati Nageshwar Rao aged 55 years Occ Govt Employee R/o House No . 3-67/3-105, Netaji Nagar, Gulmohar Park Colony, Serilingampally Mandal, Ranga Reddy District.
2. Nelapati Nageshwar Rao, S/o Nelapati Arjanna aged 55 years Occ Pt Employee R/o House No . 3-67/3- 105, Netaji Nagar, Gulmohar Park Colony, Serilingampally Mandal, Ranga Reddy District.
3. N Mounika, D/o Nelapati Nageshwar Rao aged 55 years Occ Govt Employee R/o -FF 104, C Bhanu Apartments, Dhugarala van Street, Balaji Cheruvu Center, Kakinada, Andhra Pradesh

...PETITIONER/ACCUSED A TO A4

AND

1. The State of Telangana,, rep.by its Public Prosecutor, High Court of T.S.
2. Smt. Pasunoori Sahitya Anjali,, W/o N. Kishore, aged 23 years, Occ. Student, R/o EA1-103, Aarambh Township, Papireddy Colony, Chanda Nagar, Serilingampally Mandal, Ranga Reddy District.

...RESPONDENT/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 call for the records pertaining to the FIR No. 117/2026 dated 18.04.2026 On the file of the WPS - IT Corridor CYberabad and quash the same 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 all further proceedings against the petitioners in connection with the FIR No. 117/2026 dated 18.04.2026 On the file of the WPS - IT Corridor Cyberabad, in the interest of Justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Tarun Madathanapally, 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.6962 of 2026

Date 04.05.2026

Between:

Nelapati Vijaya Kumari @ Nelapati Laxmi Vijaya Kumari and two others

...Petitioners/accused Nos.2 to 4

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.117 of 2026 of WPS IT Corridor (Cyberabad), Cyberabad, wherein the petitioners were arrayed as accused Nos.2 to 4 for the offences punishable under Sections 85, and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 4 of the Dowry Prohibition Act, 1961 (for short 'DP Act').

2. Heard Mr. M. Tarun, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. Learned counsel for the petitioners submitted that the petitioners have not committed the alleged offence and have been

falsely implicated in the present case. Even according to the allegations made in the complaint, the ingredients of the offences under Sections 85 and 351(2) of the BNS and Section 4 of the DP Act are not attracted against the petitioners. Respondent No.2 implicated the petitioners by making omnibus allegations only on the ground that petitioner Nos.1 and 2 are the parents and petitioner No.3 is the sister of accused No.1. Respondent No.2 never lived along with petitioner Nos.2 to 4 and the question of harassment and demand for additional dowry does not arise. Hence, continuation of the proceedings against the petitioners is a clear abuse of the process of law. He further submitted that the offences alleged against the petitioners are punishable with imprisonment of less than seven years. The Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') and without following the guidelines formulated by the Hon'ble Supreme Court in *Arnesh Kumar Vs. State of Bihar*¹, is proceeding further in the matter and the same is contrary to law.

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

¹(2014) 8 SCC 273

whether the said allegations are true or not, the same has to be revealed during the course of investigation, especially the investigation is under progress. He further submitted that the Investigating Officer had already issued notice under Section 35(3) BNSS to accused No.1 and the Investigating Officer will follow the same procedure as contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in *Arnesh Kumar (supra)* in respect of petitioners/accused Nos.2 to 4.

5. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the offences levelled against the petitioners are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer had already issued notice under Section 35(3) of the BNSS to accused No.1.

6. In view of the same, the Investigating Officer is entitled to follow the same procedure contemplated under Section 35(3) of the BNSS and follow the guidelines issued by the Apex Court in *Arnesh Kumar (supra)* in so far as petitioners/accused Nos.2 to 4 are concerned. It is needless to mention that the petitioners are entitled to submit reply to the notice under Section 35(3) of the BNSS by raising

all the pleas which are available to them and they are also entitled to submit the documents, if any, which are in their custody, to the Investigating Officer.

7. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- AHMED ABDULLA KHAN
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

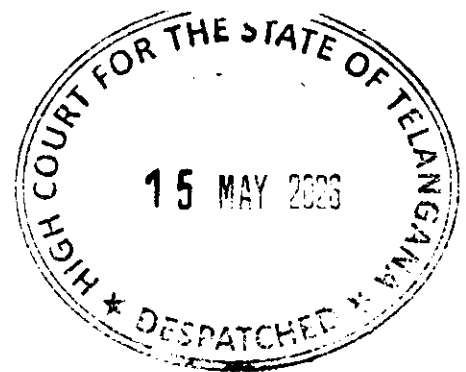
1. 1 Addl Juniour Civil Judge cum-IX Addl Judicial Magistrate of Ist Class R.R. Dist at Kukatpally.
2. The Station House Officer, Wps-IT Corridor (Cyberabad) Cyberabad,
3. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Tarun Madathanapally, Advocate [OPUC]
5. Two CD Copies

SR/GNK

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HIGH COURT

DATED: 04/05/2026



ORDER

CRLP.No.6962 of 2026

CRIMINAL PETITION IS DISPOSED OF

8 copies
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13/5/26