

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

**FRIDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION No: 6998 of 2026

Between:

1. Nagi Reddy Kallam, S/o. Late Venkateswara Reddy, Aged about 63 years, Occ. Business, R/o. D.No. 2-14-422, Syamalanagar 1st Line, Guntur, A.P.,
2. Harshavardhan Reddy Kallam, S/o. Nagi Reddy, Aged about 30 years, Occ. Doctor R/o. D.No. 2-14-422, Syamalanagar 1st Line, Guntur, A.P.,
3. Annapurna Kallam, W/o. Nagi Reddy, Aged about 58 years, Occ. Housewife, R/o. D.No. 2-14-422, Syamalanagar 1st Line, Guntur, A.P.,
4. Sheshamma Kallam, W/o. Late Venkateswara Reddy, Aged about 80 years, Occ. Housewife, R/o. D.No. 2-14-422, Syamalanagar 1st Line, Guntur, A.P.

...Petitioners/Accused 1 to 4

AND

1. The State of Telangana, Urkonda PS, Nagarkurnool, Rep. by it's Public Prosecutor, High Court of Telangana, Hyderabad.

(...Defacto Complainant)

2. Ravi Samala, S/o. Balaram, Aged about 52 years, Occ. Business, R/o. H.No. 1-28/3, Srikanth Colony, Amangal Mandal, Rangareddy District.

...Respondent

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 FIR No.130 of 2025 on the file of Urkonda Police Station, Nagarkurnool District (Judicial First Class Magistrate. Kalwakurthy).

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 any coercive action against the petitioners in FIR No.130 of 2025 on the file of Urkonda Police Station, Nagarkurnool District

(Judicial First Class Magistrate, Kalwakurthy), pending disposal of main Criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P.V.Sri Ram Reddy, representing Ms. Jeerge Suchitha, Advocate for the Petitioners 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.6998 of 2026

Date: 01.05.2026

Between:

Nagi Reddy Kallam and three others

...Petitioner

AND

The State of Telangana, and another.

...Respondents

:ORDER:

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.130 of 2025 of Urkonda Police Station, Nagarkurnool District, wherein the petitioners were arrayed as accused Nos.1 to 4, registered for the offences punishable under Sections 61(2), 316(2), 318 (4), 352, 351 (2) read with Section 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Mr. P.V. Sri Ram Reddy, learned counsel representing Ms. J. Suchitha, learned counsel for the petitioners, 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 stage of admission.

3. Learned counsel for the petitioner submitted that the petitioners have not committed any offences and they were falsely implicated in the present crime and the nature of allegations is purely civil in nature. Respondent No.2 ought to have approached the competent civil Court. Respondent No.2 filed a private complaint under Section 210 BNSS before the trial Court. The learned trial Court without assigning any reasons, referred the matter to the police for investigation, basing on the same, crime No.130 of 2025 has been registered. He further submitted that the offences levelled against the petitioners 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.

4. Learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioners to attract the offences levelled against them and the Investigating Officer will follow the due procedure as contemplated under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** (*supra*). He further submitted that the

¹(2014) 8 SCC 273

Investigating Officer issued notice under Section 35(3) of the BNSS against accused No.1 on 03.03.2026.

5. Learned counsel for the petitioners by way of reply submitted that petitioner No.1/accused No.1 will submit reply to the notice under Section 35 (3) of the BNSS and petitioner No.2 will cooperate with the investigation and he will appear before the investigating officer. On such appearance, the petitioner may be permitted to submit his reply to the notice under Section 35(3) of the BNSS.

6. 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 petitioners/accused Nos.1 to 4 are punishable with imprisonment of less than seven years. Even according to the written instructions dated 30.04.2026 submitted furnished by the learned Additional Public Prosecutor issued by the Sub Inspector of Police, Urkonda Police Station, the investigating officer recorded the statements of LWs.1 to 7 and the Investigating Officer will follow the due procedure as contemplated under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** (*supra*). In view of the same, petitioners are directed to appear before the Investigating Officer on or before 16.05.2026 and on such appearance, the Investigating Officer is directed to scrupulously follow the procedure as contemplated

under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** (*supra*) and conclude the investigation. It is needless to mention that the petitioner is entitled to submit his reply to the notice.

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

Miscellaneous applications, pending if any, shall stand closed.

SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

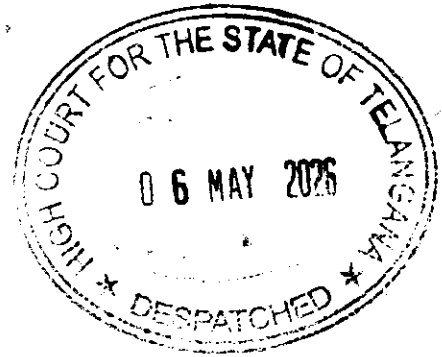
To,

1. The Judicial First Class Magistrate Court, Kalwakurthy
2. The Station House Officer, Urkonda Police Station, Nagarkurnool
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Ms. Jeerge Suchitha, Advocate [OPUC]
5. Two CD Copies

ABK/KA

HIGH COURT

DATED: 01/05/2026



ORDER

CRLP.No.6998 of 2026

DISPOSING OF THE CRIMINAL PETITION

QMT
6/5/26