

**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: 7025 OF 2026

Between:

1. Samala Shivaprasad, S/o Siddiramulu, Age. 30 years, Occ. Pvt.Employee,
2. Samala Ramadevi, W/o Siddiramulu, Aged. 63 years, Occ. Household,
3. Samala Siddiramulu, S/o. Samala Agaiah, Aged. 77 years, Occ.

Petitioner No.1 to 3 are R/o H.No. 12-8-9, Pragathi Nagar, Sircilla Town and Mandal, Rajanna Sircilla District.

4. Domala Aruna, W/o D.Srinivas, Age. 53 years, Occ. Household, R/o. 9-1-67, Nehru Nagar, Sircilla Town and Mandal, Rajanna Sircilla District.
5. Ushakoyala Srimathi, D/o.Ushakoyila Rajalingam, Age. 41 years, Occ. Household, R/o. 9-1-67, Nehru Nagar, Sircilla Town and Mandal, Rajanna Sircilla District.

...Petitioner/Accused No.1 to 5

AND

1. The State of Telangana through S.H.O of Police Station, Sircilla Town at Rajanna Sircilla District, Rep. by its Public Prosecutor, High Court at Hyderabad
2. Samala Varshini @ Gosike Gouthami, W/o Samala Shivaprasad, Age. 29 years, Occ. Household, R/o. H.No.10-8-5, B.Y. Nagar, Sircilla Town and Mandal, Rajanna Sircilla District.

...Respondents

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 in FIR No. 158 of 2026, dated. 23.03.2026 on the file of Police Station Sircilla Town at Rajanna Sircilla District.

I.A. NO: 1 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 in FIR No.158 of 2026 dated. 23.03.2026 on the file of Police Station Sircilla Town at Rajanna Sircilla 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 P Giri Krishna, Advocate for the Petitioners 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.7025 of 2026

Date 04.05.2026

Between:

Samala Shivaprasad and four others

...Petitioners/accused Nos.1 to 5

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.158 of 2026 of Sircilla Town Police Station, Rajanna Sircilla District, wherein the petitioners were arrayed as accused Nos.1 to 5 for the offences punishable under Sections 85 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short 'DP Act').

2. Heard Mr. P. Giri Krishna, 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 Section 85 of the BNS and Sections 3 and 4 of the DP Act are not attracted against the petitioners. Respondent No.2 implicated all the family members of petitioner No.1 by making omnibus allegations. Respondent No.2 never lived along with petitioner Nos.2 to 5 and they were implicated only on the ground that petitioner Nos.2 and 3 are the parents of petitioner No.1, petitioner Nos.4 and 5 are the sisters of petitioner No.2. He further submitted that petitioner No.1/accused No.1 filed H.M.O.P.No.34 of 2026 on the file of the Senior Civil Judge, at Sircilla, seeking dissolution of the marriage between petitioner No.1 and respondent No.2. After receiving the summons on the said O.P., respondent No.2 filed the present complaint on 23.03.2026, only with an intention to harass the petitioners. 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.

¹(2014) 8 SCC 273

4. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioners and 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. Basing upon the written instructions furnished by the Sub-Inspector of Police, Sircilla Police Station, Rajanna Sircilla District dated 30.04.2026, he further submitted that the Investigating Officer had recorded the statements of LWs 1 to 6 and had already issued notice under Section 35(3) BNSS to petitioner No.1/accused No.1 on 30.03.2026 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 petitioner Nos.2 to 5/accused Nos.2 to 5.

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 recorded the statements of LWs 1 to 6 and had

already issued notice under Section 35(3) of the BNSS to petitioner No.1/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 petitioner Nos.2 to 5/accused Nos.2 to 5 are concerned and file the final report as expeditiously as possible. 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/-P C SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

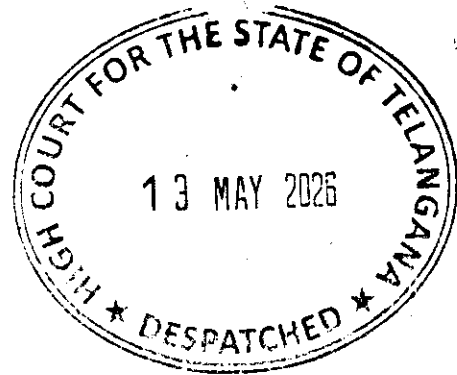
1. The Principal Judicial First Class Magistrate At Sircilla.
2. The Station House Officer, Sircilla Town Police Station, Rajanna Sircilla District.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri P Giri Krishna, Advocate [OPUC]
5. Two CD Copies

GNK

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HIGH COURT

DATED: 04/05/2026



ORDER

CRLP.No.7025 of 2026

DISPOSING THE CRIMINAL PETITION

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