

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

**TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 7265 OF 2026

Between:

Mudanapu Naresh, S/o Sriramulu Aged About 33 years, Occ Business, R/o. Plot No.20, Central Park, Kompally, Quthbullapur, Medchal Malkajgiri District, Telangana.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court of Telangana, At Hyderabad.

...RESPONDENT

2. Swetha Kanumukkala, , W/o. Naresh, Aged about 32 years, Occ Pvt. Employee, R/o Flat No.402, Quthbullapur, Gayathree Nagar, Medchal Malkajgiri District,

...RESPONDENT/DEFACTO 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 proceedings in F.I.R. No.592 of 2026, Dt.21.04.2026 on the file of the Petbasheerbad Police Station.

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 the appearance of the petitioner in connection with F.I.R. No.592 of 2026, Dt.21.04.2026 on the file of the Petbasheerbad Police Station.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Anirudh Sadhu, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No. 1.

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. 7265 of 2026

DATE: 05.05.2026

Between :

Mudanapu Naresh

....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 Crime No.592 of 2026 of Petbasheerabad Police Station, Cyberabad, registered for the offences under Sections 85 and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS').

2. Heard Mr. Anirudh Sadhu, learned counsel for the petitioner, and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1 State.

3. With the consent of both counsel, 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 has been falsely implicated in the present crime. Respondent No.2 filed the present complaint by making omnibus allegations, though the petitioner never harassed respondent No.2 for additional dowry. Hence, the ingredients of the

offences under Sections 85 and 352 of the BNS are not attracted. He also submitted that the offences alleged 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. *Per contra*, learned Assistant Public Prosecutor submitted that there are specific allegations levelled against the petitioner in the complaint. Whether the allegations in the complaint are true or not can only be revealed during the course of investigation. He further submitted that when the Investigating Officer attempted to serve notice on the petitioner, he had been evading receipt of the notice and was not cooperating with the investigation. As the offences alleged against the petitioner are punishable with imprisonment of less than seven years, the Investigating Officer will follow the due procedure as contemplated under the provisions of the BNSS.

6. Learned counsel for the petitioner, by way of reply, submitted that the petitioner will cooperate with the investigation.

¹(2014) 8 SCC 273

7. 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 the petitioner are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer intends to follow the due procedure as contemplated under the provisions of the BNSS.

8. Hence, the petitioner/accused is directed to appear before the Investigating Officer on or before 19.05.2026, and on such appearance, the Investigating Officer is directed to issue notice under Section 35(3) of BNSS and follow the guidelines issued by the Apex Court in **Arnesh Kumar** *supra*.

9. It is needless to mention that the petitioner is entitled to put forth his grievance upon receipt of the notice under Section 35(3) of the BNSS and is also entitled to submit the documents, if any, which are in his possession.

10. Subject to the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- M. OSMAN ALI BAIG
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IX Additional Judicial First Class Magistrate, Cyberabad at Medchal
2. The Station House Officer, Petbasheerabad Police Station, Cyberabad
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]

4. One CC to Sri Anirudh Sadhu, Advocate [OPUC]

5. Two CD Copies

VH/GNK

K

6/2/2013

HIGH COURT

DATED: 05/05/2026

ORDER

CRLP.No.7265 of 2026



**DISPOSING OF THE
CRIMINAL PETITION**

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