

**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: 7340 OF 2026

Between:

Bada Balraju S/o Bada Sailu, Age 35,
Occ: Agriculture, R/o Moosapet Village and Mandal,
Mahaboobnagar District.

...PETITIONER/ACCUSED

AND

1. The State Of Telangana, rep. by its Public Prosecutor, High Court of Telangana.

...Complainant

2. Koukuntla Harinath S/o Late K Chandraiah, age 58 years,
Occ: Business, R/o 1-6-85/2/A/4, Subhash Nagar, Mahaboobnagar Town.

...De-Facto /Complainant

Petition under Section 528 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 against accused in F IR No. 63/2026 u/s 329(3), 324(4), 352, BNS of Moosapet Police Station Mahaboobnagar on the file of JMFC Mahaboobnagar and pass such or further orders

I.A. NO: 2 OF 2026

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased Stay all further proceedings in of F IR No. 63/2026 u/s 329(3), 324(4), 352, BNS of Moosapet Police Station Mahaboobnagar on the file of JMFC Mahaboobnagar and pass such or further orders

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This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri J. Suresh Babu , Advocate for the Petitioner and the Public Prosecutor (TG/) on behalf. of the Respondent No. 1.

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.7340 of 2026

Date: 06.05.2026

Between:

Bada Balraju

...Petitioner/accused

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.63 of 2026 of Moosapet Police Station, Mahabubnagar District, wherein the petitioner was arrayed as accused, for the offences punishable under Sections 329(3), 324(4), and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Mr. J. Suresh Babu, learned counsel for the petitioner, Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. With their consent, the criminal petition is disposed of at the stage of admission.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offences and has been falsely implicated in the present case. The allegations levelled in the complaint are purely civil in nature in respect of agricultural land. Respondent No.2 filed the present complaint by making omnibus allegations by giving criminal colour. Respondent No.2 and another filed a suit *vide* O.S.No.6 of 2022 on the file of the Junior Civil Judge at Mahabubnagar, for grant of perpetual injunction. When the said suit is pending, respondent No.2 filed the present complaint, which is a clear abuse of the process of law. Even according to the allegations levelled in the complaint, the ingredients of the offences under Sections 329(3), 324(4), and 352 of the BNS are not attracted. He further submitted that the offences levelled against the petitioner 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

5. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioner to attract the above said offence. Whether the allegation levelled against the petitioner is true or not, the same has to be revealed during the course of investigation, especially, the investigation is under progress. The petitioner is not entitled to seek quashment of the proceedings against him at the threshold. However, offences levelled against the petitioner are punishable with imprisonment of less than seven years, the Investigating Officer had recorded the statement of LW1 to 5 and he is trying to serve the notice Section 35(3) of the BNSS, and the petitioner is avoiding to receive the notice.

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

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that 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 had recorded the statements of LWs 1 to 4 and he wants to follow the due procedure as contemplated under the provisions of the 35(3) of the BNSS.

8. In view of the same, the petitioner is directed to appear before the Investigating Officer on or before 28.05.2026 and on such appearance, the Investigating Officer is directed to follow the procedure contemplated under the provisions of the BNSS, and also the guidelines formulated by the Hon'ble Apex Court in *Arnesh Kumar* (supra) and the petitioner shall cooperate with the investigation. It is needless to mention that the petitioner is entitled to submit reply to the notice under Section 35(3) of the BNSS by raising all the pleas which are available to him and he is also entitled to submit the documents, if any, which are in his custody, to the Investigating Officer.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- MOHD.ISMAIL
DEPUTY REGISTRAR

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SECTION OFFICER

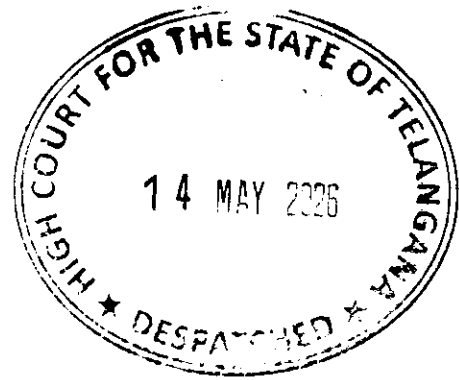
To,

1. The Judicial First Class Magistrate Special Mobile Court at Mahaboobnagar.
2. The Station House Officer, Moosapet PolicemStation, Mahaboobnagar.
3. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC TO Sri J. Suresh Babu , Advocate [OPUC]
5. Two CD Copies

 SR/GNK

HIGH COURT

DATED: 06/05/2026



ORDER

CRLP.No.7340 of 2026

CRIMINAL PETITION IS DISPOSED OF

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MBC
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