

**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: 7341 OF 2026

Between:

Lade Divya, W/o. Lingampally Nanaji Aged about 33 years, Occ. Housewife,
R/o. H.No. 2-4-525/5 Ramnagar, Near Manjula Hospital, Hanumakonda,
Telangana.

...PETITIONER/A3

AND

1. The State of Telangana, Rep.by Public Prosecutor, High Court for the state of Telangana At Hyderabad
2. Venna Nunavath @ Chukka, W/o. Sagar, Aged about 41 years, Occ. Housewife, R/o. Bojyanaik Thanda, Narsampet Mandal, Warangal District, Telangana

...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 all further proceedings in F.I.R.No. 69 of 2026 of P.S. Damera in respect of the petitioner/accused No.3.

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 including the arrest of the petitioner/ accused No.3 in F.I.R.No. 69 of 2026 of P.S.Damera, pending disposal of criminal.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri D. Rajesh, 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

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO
CRIMINAL PETITION No.7341 of 2026

Date: 06.05.2026

Between:

Lade Divya

...Petitioner/accused No.3

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.69 of 2026 of Damera Police Station, Warangal District, wherein the petitioner was arrayed as accused No.3, for the offences punishable under Sections 318(4), 316(2), 61(2), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Mr. D. Rajesh, 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 offence 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 admeasuring Ac.3-11 guntas in Sy.No.232/A/2, 410/1/A/1, 68/1, 424/A situated at Kogilval Village, Damera Mandal, Hanumakonda District and the same was purchased by accused No.1. Respondent No.2 filed the present complaint by making false allegations by giving criminal colour. Hence, continuation of the proceedings against the petitioner is a clear abuse of the process of law. He further submitted that the offences alleged 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 offences. The petitioner is not entitled to seek quashment of the proceedings at the threshold. However, the offences levelled against the petitioner are punishable with imprisonment of less than seven years, the Investigating Officer had recorded the statements of LWs 1 to 11 and had already issued notice under Section 35(3) BNSS to accused Nos. 1, 2 and 4 and he 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/accused No. 2.

6. 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 petitioner 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 Nos. 1, 2 and 4.

7. 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/accused No.3 is concerned. 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 her and he is also entitled to submit the documents, if any, which are in her custody, to the Investigating Officer.

8. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/-K BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Damera Police Station, Warangal District
2. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to Sri Garlapati Jithender Reddy, Advocate [OPUC]
4. Two CD Copies

VH/GNK

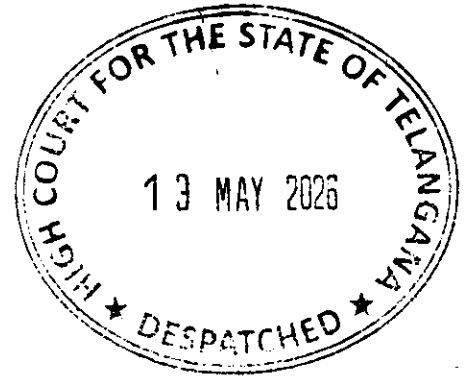
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HIGH COURT

DATED: 06/05/2026

ORDER

CRLP.No.7341 of 2026



DISPOSING OF THE
CRIMINAL PETITION

7 copies
by
13/5/26