

**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: 7586 AND 7587 OF 2026

CRIMINAL PETITION NO: 7586 OF 2026

Between:

1. Gunda Pavan Kumar, S/o Gunda Sudhakar, aged about 42 years, Occ: Business, R/o. H.No.1-263/5, Beside SBI, Ponakal, Jannaram, Mandal, Mancherial District-504 205.
2. Rajashekhar Mikkilineni, S/o. M Bhaskar Rao, aged about 62 years, Occ: Business R/o H. No. 1-110, Near Petrol Pump, Ram Nagar, Ponakal, Jannaram Mandal, Mancherial District – 504 205.

...Petitioners/Accused Nos. 3 & 4

AND

1. The State Of Telangana, by The S H O P.S. Jannaram, Jannaram Mandal, Mancherial District. Through Public Prosecutor High Court of Telangana, Hyderabad

...Respondent

2. Veumadav Anumala, S/o Satyanarayana, aged about 64 years, Occ: Business, R/o H.No. 12-4/2, Gouthami Nagar, Mancherial Mandal, Mancherial District – 504 208.

...De-facto –complainant/Respondent

Petition under Section 528 of B.N.S.S 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. 88 of 2026, dt.24-04-2026, on the file of P.S. Jannaram, Mancherial District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri R Rama Brahmma, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, the Additional Public Prosecutor on behalf of the Respondent No. 1 and none appeared the Respondent No. 2.

CRIMINAL PETITION NO: 7587 OF 2026

Between:

1. Gunda Sudhakar, S/o Gunda Narayana aged about 65 years, Occ:Business, R/o H.No. 1-263/5, Beside SBI, Ponakal, Jannaram Mandal, Mancheria District.
2. Gunda Lachanna, S/o Gunda Narayana, aged about 69 years, Occ: Business R/o H.No. 4-130, Medari Wada, Ponakal Jannaram Mandal, MANcheria District – 504 205.

...Petitioners/Accused Nos. 1 & 2

AND

1. The State Represented by The S H O P.S. Jannaram, Jannaram Mandal, Mancheria District. Through Public Prosecutor High Court of Telangana, Hyderabad.

...Respondent

2. Venumadav Anumala, S/o Satyanarayana, aged about 64 years, Occ: Business, R/o. H.No. 12-4/2, Gouthami Nagar, Mancheria MANcdal, Mancheria District – 504 208.

...De-facto Complainant/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. 88 of 2026, dt.24-04-2026, on the file of P.S. Jannaram, Mancheria District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Muthyala Muralidhar, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, the Additional Public Prosecutor on behalf of the Respondent No. 1 and none appeared for the Respondent No.2.

The Court made the following: COMMON ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION Nos.7586 and 7587 of 2026

Date: 06.05.2026

Crl.P.No.7586 of 2026

Between:

Gunda Pavan Kumar and another

...Petitioners

AND

The State of Telangana and another.

...Respondents

Crl.P.No.7587 of 2026

Between:

Gunda Sudhakar and another

...Petitioners

AND

The State of Telangana and another.

...Respondents

COMMON ORDER

These Criminal Petitions have been filed seeking to quash the proceedings in Crime No.88 of 2026 on the file of Jannaram Police Station, Ramagundam District, wherein the petitioners were arrayed as accused Nos.1 to 4 for the offences punishable under Sections 329(3), 324(4), 296(b) and 351(3) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Mr.R.Rama Brahmma, learned counsel for the petitioners in Crl.P.No.7586 of 2026; Mr.Muthyala Muralidhar, learned counsel for the petitioners in Crl.P.No.7587 of 2026 and 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 petitioners submits that the petitioners have not committed the alleged offences and have been falsely implicated in the present case. The allegations levelled against the petitioners are purely civil in nature. In respect of the very same subject property, paternal aunt of respondent No.2 filed a suit vide O.S.No.78 of 2013 on the file of the learned Senior Civil Judge (FTC) at Luxettipet. In the said suit, plaintiff therein filed I.A.No.472 of 2013 for grant of *ad interim* injunction restraining the respondents therein from alienating the suit schedule property and not to change the nature of the schedule property. The said application was dismissed on 22.08.2014 holding that the petitioner failed to identify her property. Aggrieved by the said order, plaintiff therein filed C.M.A.No.2 of 2015 and the learned appellate Court dismissed the appeal and

confirmed the order of the trial Court. The said order has become final.

5. Learned counsel for the petitioners further submitted that the very same plaintiff filed complaint in respect of the very same property. Basing on the said complaint, Crime No.8 of 2019 was registered before the Jannaram Police Station, Mancherial District and the Investigating Officer after conducting investigation filed final report on 27.11.2020 referring the matter as civil in nature. At the instance of maternal grandmother, respondent No.2 filed the present complaint against the petitioners by giving criminal colour. They further submitted that the offences levelled 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

6. *Per contra*, learned Additional Public Prosecutor submitted that specific allegations are levelled against the petitioners to attract the ingredients for the offences under Sections 329(3), 324(4), 296(b) and 351(3) r/w 3(5) of the BNS. Whether the *defacto* complainant filed the present complaint at the instance of the plaintiff in O.S.No.78 of 2013 and the allegations levelled in the earlier Crime No.8 of 2019 are one and the same, the same has to be revealed during the course of investigation. Basing on the grounds raised in the present criminal petitions, the petitioners are not entitled to seek quashing of the proceedings. However, the Investigating Officer wants to follow the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in *Arnesh Kumar* (supra) but the petitioners are avoiding to receive the notice and not cooperating with the investigation.

7. Learned counsel for the petitioners submits that the petitioners will cooperate with the investigation and submit their reply/explanation along with relevant documents to the Investigating Officer.

8. 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 will follow the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in *Arnesh Kumar* (supra).

9. In view of the above, the petitioners are directed to appear before the Investigating Officer on or before 20.05.2026 and on such appearance, Investigating Officer is entitled to issue notice under Section 35(3) of the BNSS. The petitioners are entitled to submit their reply/statement along with the documents which are available with them to the Investigating Officer.

10. Accordingly, the Criminal Petitions are disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- MOHD.ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Jannaram Police Station, Ramagundam.
2. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]

3. One CC to Sri R Rama Brahmma, Advocate [OPUC]
4. One CC to Sri Muthyala Muralidhar, Advocate [OPUC]
5. Two CD Copies

Sa/KA

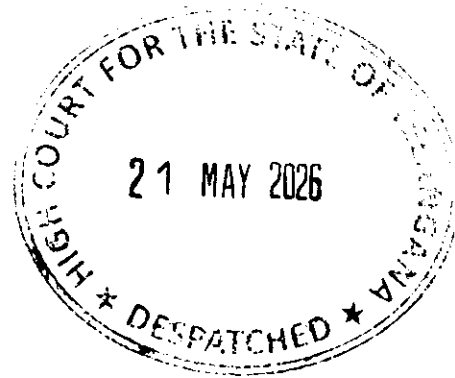
Ys

HIGH COURT

DATED: 06/05/2026

COMMON ORDER

CRLP.No.7586 AND 7587 of 2026



DISPOSING OF BOTH THE CRIMINAL PETITIONS

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