

**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: 7604 OF 2026

Between:

1. P.Krishna Murthy, S/o. P.Narsaiah, Aged 82 years, Occu: Agriculture, R/o. Flat No.201, Vaishnavi Residency, Road No. 14, Deepthi Srinagar, Madeenaguda, Hyderabad.
2. Smt. Sujatha, S/o. late P.Sudarshan, Aged 60 years, Occupation: Household, R/o. Peddemul (Village & Mandal), Vikarabad (District).

...Petitioners/Accused No.1 & 2

AND

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

...Respondent/Prosecution

2. Mohammed Quadeer Ahmed, S/o. Mohd. Rasheed. Aged 62 years, Occupation: Business, R/o. H.No.12-2-36/33, Zeba Bagh, Asif Nagar, Hyderabad.

...Respondent/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

I.A. NO: 1 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 to call for the records pertaining to FIR No.65/2026 dated 01.04.2026 registered U/s. 324 (3), 329 (3), R/w. 3 (5) of BNS, 2023, on the file of Police Station, Peddemul, Vikarabad District and quash the same as arbitrary, illegal and contrary to the provisions of the Criminal Jurisprudence.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri N Praveen Reddy, 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.7604 of 2026

Date: 06.05.2026

Between:

P.Krishna Murthy and another

...Petitioners

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.65 of 2026 of Peddemul Police Station, Vikarabad District, wherein the petitioners were arrayed as accused Nos.1 and 2 for the offences punishable under Section 324(3) and 329(3) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr.N.Praveen Reddy, 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 offences and have been falsely implicated in the present case. Even according to the allegations levelled in the complaint, the ingredients of the

offences under Sections 324(3) and 329(3) of the BNS are not attracted against the petitioners. The allegations levelled against the petitioners are purely civil in nature. Respondent No.2 filed a suit vide O.S. No.152 of 2019 on the file of the Junior Civil Judge, Ranga Reddy District at Tandur, seeking grant of perpetual injunction against petitioner No.1. While the said suit is pending before the competent Civil Court, respondent No.2 filed a private complaint by suppressing the factum of pendency of the civil suit, and the learned trial Court referred the matter to the police for investigation. Based on the same, the present crime was registered. He 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.

4. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioners to

¹(2014) 8 SCC 273

attract the ingredients for the offences under Sections 324(3) and 329(3) of the BNS. He further submitted that the offences leveled against the petitioners are punishable with imprisonment less than seven years. The Investigating Officer had already issued notice under Section 35(3) of the BNSS to the petitioners on 04.04.2026 and the petitioners are entitled to submit their reply/explanation to the said notice. However, without submitting the same, they have straightaway approached this Court and filed the present petition, which is not maintainable under law.

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 prosecution, the Investigating Officer had already issued notice under Section 35(3) BNSS to the petitioners.

6. In view of the same, this Court is of the considered view that the petitioners are entitled to submit reply/statement to the said notice by raising all the pleas which are available to them and also entitled to submit the documents which are in their custody to the Investigating Officer. The Investigating Officer is directed to

follow the due procedure as contemplated under the provisions of
BNSS, 2023.

7. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand
closed.

**SD/- N.CHANDRA SEKHAR
DEPUTY REGISTRAR**

//TRUE COPY//

6

SECTION OFFICER

To,

1. The Judicial First Class Magistrate At Tandur.
2. The Station House Officer, Peddemul Police Station, Vikarabad District.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad
[OUT]
4. One CC to Sri N Praveen Reddy, Advocate [OPUC]
5. Two CD Copies

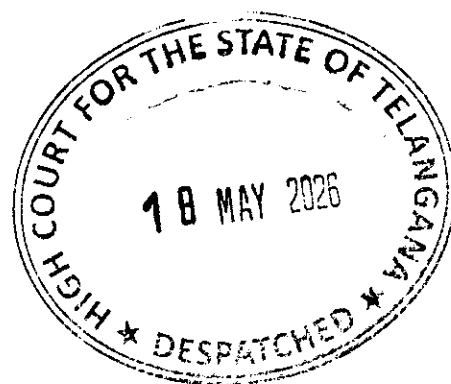
 **AGNK/KA**

HIGH COURT

DATED: 06/05/2026

ORDER

CRLP.No.7604 of 2026



DISPOSING THE CRIMINAL PETITION

8
15/05/26
K.R.