

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

THURSDAY, THE ELEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 8485 OF 2026

Between:

1. Kumarrari Thipanna @ Chintala Thipanna @ Balappa, age.61 years, occ. Agriculutre, R/o 2-28, Rakonda village, Marikal Mandal Naryanpet District.
2. Smt.Kummari Satyamma, W/o Kummari Thipanna age.51 years, Occ. House wife.R/o 2-28, Rakonda village. Marikal Mandal Naryanpet District.

...Petitioner/Accused Nos. 1 & 2

AND

1. The State of Telangana, Rep., its Public Prosecutor, High Court of Telangana At Hyderabad.
2. Hanwada Gangadhar, S/o H.Chennappa age.34 years, Occ.Panchyat Secretary, Gaddegudem village Devarkadara Mandal, Mahabubnagar.

...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 proceedings against the petitioners/Accused No.1 & 2 in F.I.R.NO.73 of 2026 Dated 17-04-2026 on the file of P.S.Marikal Nayanpet District.

I.A. NO: 2 OF 2026

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 grant stay of all further proceedings including stay of arrest of Petitioner No.1 & 2 in F.I.R.NO.73 of 2026 Dated 17-04-2026.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G Rajeshwar Rao, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and none appeared for 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.8485 of 2026

Date: 11.06.2026

Between:

Kumarrai Thipanna 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.73 of 2026 of Marikal Police Station, Narayanpet District, wherein the petitioners were arrayed as accused Nos.1 and 2 for the offences punishable under Sections 420, 468 and 471 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. Heard Mr.G.Rajeshwar Rao, 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 offence and have been falsely implicated in the present case. He further submitted that the allegations levelled against the petitioners are purely civil in

nature. Respondent No.2 ought to have approached the competent Civil Court, on the other hand, filed the present complaint by giving criminal colour. 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, basing upon the written instructions furnished by the Investigating Officer submitted that the Investigating Officer had issued notice under Section 35(3) of the BNSS to the petitioners on 10.05.2026 and the petitioners are entitled to submit his 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. By way of reply, learned counsel for the petitioners submits that the petitioners have not received the notice under Section

¹(2014) 8 SCC 273

35(3) of BNSS and the Investigating Officer is not following the due procedure as contemplated under the provisions of Section 35(3) of BNSS.

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 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 on 10.05.2026.

7. In view of the same, the Investigating Officer is directed to issue notice under Section 35(3) of BNSS to the petitioners, if not already issued. The petitioners are entitled to submit reply/explanation along with the documents, which are available with them, to the Investigating Officer. The Investigating Officer is entitled to follow the procedure contemplated under Section 35(3) of the BNSS and follow the guidelines issued by the Apex Court in *Arnesh Kumar* (supra).

8. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

**SD/- A.H.S.GOWRI SHANKAR
ASSISTANT REGISTRAR**

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SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Narayanpet.
2. The Station House Officer Police Station Marikal Nayanpet District
3. One CC to SRI. G RAJESHWAR RAO Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

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HIGH COURT

DATED: 11/06/2026

ORDER

CRLP.No.8485 of 2026



DISPOSING OF THE CRIMINAL PETITION

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