

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

**MONDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 8619 OF 2026

Between:

K. Vamshi S/o. Yakaiah Aged about. 26, Occ. Self employed R/ o. 6-91,
Vempati village, Thugathurthy mandal Nalgonda District, Telangana

...PETITIONER/ACCUSED

AND

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

...RESPONDENT

2. XXXX, Xxxxxx

...RESPONDENT/DEFACTO 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 quash the proceedings against the petitioners/accused in Crime No. 1011 of 2026 Gachibowli P.S, on the file of the Hon'ble X ADDL. Metropolitan Magistrate Kukatpally At Prasanth Nagar, Cyberabad, registered U/Sec. 74, 75, 351(2) BNS.

I.A. NO: 2 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 against the petitioners/accused in Crime No. 1011 of 2026 Gachibowli P.S, on the file of the Hon'ble X ADDL. Metropolitan Magistrate Kukatpally At Prasanth Nagar, Cyberabad pending disposal of the same

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Ms. N. Geetha representing Sri R. Rakesh Kumar, Advocate Petitioner and Sri Jithendar 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.8619 of 2026

Date: 29.06.2026

Between:

K.Vamshi

...Petitioner/Accused

AND

The State of Telangana and another.

...Respondents

Order:

This Criminal Petition has been filed seeking to quash the proceedings against the petitioner/accused in Crime No.1011 of 2026 of Gachibowli Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 74, 75 and 351(2) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'the BNS').

2. On 15.06.2026, learned Additional Public Prosecutor sought time to inform respondent No.2/*de-facto* complainant about filing of the present criminal petition and therefore, the matter was posted to 22.06.2026 and again on 22.06.2026, at his request, the matter was posted to 23.06.2026. On 23.06.2026, learned Additional Public Prosecutor submitted that pursuant to the order 15.06.2026, the Investigating Officer served the notice to

respondent No.2 on 23.06.2026 and placed a copy of the said notice. In spite of service of notice, respondent No.2 has not chosen to enter appearance. However, to give one opportunity, the matter was posted to 25.06.2026 in adjourned motion list. Today i.e. 29.06.2026 also there is no representation on behalf of respondent No.2. Hence, this Court is not having any option except to proceed with the matter on merits.

3. Heard Ms.N.Geetha, learned counsel, representing Mr.R.Rakesh Kumar, learned counsel for the petitioner, and Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor, appearing on behalf of respondent No.1.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he has been falsely implicated in the present crime. Respondent No.2 filed the present complaint by making omnibus allegations, especially the petitioner has not committed any offence against her. Even according to the allegations levelled in the complaint, the ingredients of the offences under Sections 74, 75 and 351(2) of the BNS are not attracted. She further submitted that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. However, the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik

Suraksha Sanhita, 2023 (for short, 'BNSS') and the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹, is proceeding with the investigation and the same is contrary to law.

5. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioner in the complaint and the said allegations *prima facie* disclose cognizable offences and the same have to be revealed during the course of investigation, especially the investigation is under progress. He further submitted that the offences levelled against the petitioner shall be punished with imprisonment below seven years and when the Investigating Officer wants to follow the provisions of Section 35(3) of the BNSS, the petitioner is not coming forward to receive the notice and not cooperating with the investigation. Hence, the petitioner is not entitled to seek for quashing the proceedings.

6. Learned counsel for the petitioner by way of reply submitted that the petitioner will appear before the Investigating Officer and cooperate with the investigation.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that even according to the allegations levelled in

¹(2014) 8 SCC 273

the complaint, 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 wants to follow the due procedure as prescribed under the provisions of Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** (*supra*). In view of the same, the petitioner is directed to appear before the Investigating Officer on or before 10.07.2026 and on such appearance, the Investigating Officer is directed to follow the due procedure as prescribed under the provisions of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** (*supra*). The petitioner shall cooperate with the investigation. It is needless to mention that the petitioner is entitled to put forth his grievance before the Investigating Officer and he is also entitled to submit the documents, which are in his custody.

8. With the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

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SD/-M.OSMAN ALI BAIG
ASSISTANT REGISTRAR

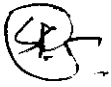
SECTION OFFICER

To,

1. The X Additional Metropolitan Magistrate Kukatpally at Prashanth Nagar, Cyberabad(with records if any)
2. The Station House Officer, Gachibowli Police Station, Cyberabad District

3. One CC to Sri R. Rakesh Kumar, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

VH/GNK

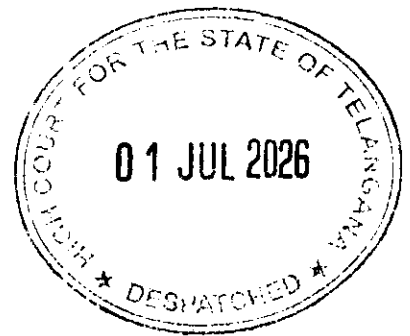


HIGH COURT

DATED: 29/06/2026

ORDER

CRLP.No.8619 of 2026



**DISPOSING OF THE
CRIMINAL PETITION**

Handwritten signature and date: 17/7/26.