

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

**MONDAY, THE TWENTIETH DAY OF JULY  
TWO THOUSAND AND TWENTY SIX**

**PRESENT**

**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**CRIMINAL PETITION NO: 10729 OF 2026**

**Between:**

1. S. Mohan, S/o Seetharamasetty, Aged about 65 Years, Occ . Service, R/o H. No. 2/541/6, 1st Floor Building, Teaches Colony, 1st Street, Belathur, Krishnagiri District, Tamil Nadu - 635 124.
2. Smt. M. Kokila, C/o Late L. Ramesh, Aged about 35 Years, Occ . Household, R/o H. No. 206, Sardha Blossom, No. 36/5, BDS Nagar, VTC . Kothanur, PO . Kothanur, Bengaluru District. Karnataka - 560 077.

**...Petitioners/Accused No.2 & 3**

**AND**

1. The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.

**...Respondents**

2. XXXXXXXX, XXXX

**...Respondent/De-facto Complainant**

Petition under Section 528 of BNSS 2023 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. 1084/2025, dated 21/06/2025 P.S. Madhapur, Cyberabad in the interests of justice.

**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 in the FIR No. 1084 of 2025, dated . 21-06-2025 P.S. Madhapur, Cyberabad including the appearance of the petitioners pending disposal of main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri T P Acharya , Advocate for the Petitioners and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of 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.10729 of 2026**

**Date: 20.07.2026**

**Between:**

S.Mohan and another

...Petitioners

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.1084 of 2025 of Madhapur Police Station, Cyberabad Commissionerate, wherein the petitioner was arrayed as accused Nos.2 and 3 for the offences punishable under Sections 69 and 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. On 10.07.2026, learned Additional Public Prosecutor seeks time to inform respondent No.2 about filing of the present criminal petition and the matter was posted to 16.07.2026. On 16.07.2026,

learned Additional Public Prosecutor submits that pursuant to the order dated 10.07.2026, the concerned S.H.O. served notice to respondent No.2 on 13.07.2026. In spite of the said intimation, respondent No.2 has not chosen to enter appearance. However, to give one more opportunity, the matter was posted to 20.07.2026. Today also, there is no representation on behalf of respondent No.2 either physically or virtually. Hence, this Court is not having any option except to proceed with the matter in accordance with law.

3. Heard Mr.T.P.Acharya, learned counsel for the petitioners and Mr.V.Jithendar Rao, learned Additional Public Prosecutor for respondent No.1.

4. Learned counsel for the petitioners submits that the petitioners have not committed the alleged offence and have been falsely implicated in the present case by making omnibus allegations solely on the ground that petitioner No.1 is the father and petitioner No.2 is the sister of accused No.1. He further submits that the petitioners never gave any assurance or promise to respondent No.2 that they will take her back to the matrimonial home. The only allegation levelled in the complaint is that accused No.1 is living with another woman and that the petitioners were

aware of the said fact. Such allegations, do not attract the ingredients of the offence punishable under Sections 69 and 351(2) of the BNS. It is further submitted that there is no material on record to show that the petitioners conspired with accused No.1 in the commission of the alleged offence. He further submits that the the offence under Section 351(2) of the BNS is 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*<sup>1</sup>, is proceeding further in the matter and the same is contrary to law.

5. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioners to attract the ingredients for the offence under Sections 69 and 351(2) of the BNS. Whether the petitioners have committed the offence or not have to be revealed during the course of investigation and the petitioners are not entitled to seek quashing of the proceedings at this stage.

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<sup>1</sup>(2014) 8 SCC 273

6. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the specific case of the petitioners is that they have been implicated as accused solely on the ground that petitioner No.1 is the father and petitioner No.2 is the sister of accused No.1. *Prima facie*, the ingredients of the offence punishable under Section 69 of the BNS are not attracted against the petitioners and the said offence attracts only against accused No.1. Further, the offence under Section 351(2) of the BNS are punishable with imprisonment for less than seven years. This Court is of the considered view that the Investigating Officer ought to have followed the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in ***Arnesh Kumar*** (supra).

7. In view of the above, 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). The petitioners are directed to submit reply/explanation along with the documents, which are available with them, to the Investigating Officer.

8. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- N.CHANDRA SEKHAR RAO  
DEPUTY REGISTRAR

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SECTION OFFICER

To,

1. The X Additional Metropolitan Magistrate, Cyberabad at Kukatpally
2. The Station House Officer, Madhapur Police Station, Cyberabad
3. One CC to SRI. T P ACHARYA, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

ADK/GNK

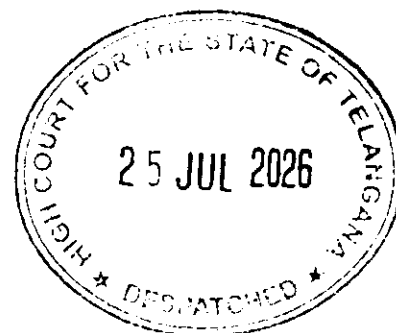
SD

**HIGH COURT**

**DATED: 20/07/2026**

**ORDER**

**CRLP.No.10729 of 2026**



**DISPOSING OF THE CRLP**

⑧ SP  
24/7/26