



IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTY FOURTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 11095 OF 2026

Between:

Manga Shobhan Babu, S/o Sailu, Aged about 36 years, Occ. Auto Driver, R/o H.
No. 1-30, Palakurthy Village and Mandal, Jangaon District.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana.
2. Banoth Ravinder, S/o Teja, Aged about 44 years, Occ. Agriculture, R/o Pedda Thanda of Palakurthy Mandal, Jangaon District

...RESPONDENT/COMPLAINANTS

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 Crime No.133 of 2026 dated 19.06.2026 on the file of the Station House Officer, Palakurthy Police Station, registered for the offences punishable under Sections 296(b) and 115(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the Petitioner.

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 including arrest of the petitioner in Crime No.133 of 2026 dated 19.06.2026 on the file of the Station House Officer, Palakurthy Police Station, registered for the offences punishable under Sections 296(b) and 115(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the petitioner, pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri CHALAKANI VENKAT YADAV, Advocate for the Petitioner 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: ORDER



2026:TSHC:14157

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.11095 of 2026

Date 24.07.2026

Between:

Manga Shobhan Babu

...Petitioner/accused

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.133 of 2026 of Palakurthy Police Station, Warangal District, wherein the petitioner was arrayed as accused for the offences punishable under Sections 296(b), and 115(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short 'SC/ST (POA) Act').

2. Learned Additional Public Prosecutor submits that pursuant to the order dated 16.07.2026, the Investigating Officer had served the notice to respondent No.2 and informed about the filing of the present



criminal petition and listing of matter. In spite of service of notice, respondent No.2 has not chosen to enter appearance. Hence, this Court has no option except to proceed with the matter on merits.

3. Heard Mr. Chalakani Venkat Yadav, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1. With their consent, this criminal petition is disposed of at the stage of admission.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and has been falsely implicated in the present crime. The allegations levelled in the complaint are purely civil in nature in respect of monetary transaction. The petitioner has not abused respondent No.2 in the name of his caste, especially within the manner of public view and the ingredients of the offence punishable under Sections 296(b), and 115(2) of the BNS and Section 3(1)(s), 3(2)(va) of the SC/ST (POA) Act are not attracted against the petitioner. Hence, continuation of the proceedings against the petitioner is a clear abuse of the process of law.

5. He further submitted that the offences alleged against the petitioner 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 'the 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.

6. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled in the complaint against the petitioner. Whether the allegations made against the petitioner are true or not, the same has to be revealed during the course of investigation, especially the investigation is under progress and the petitioner is not entitled to seek quashment of the proceedings at the threshold. However, as the offences levelled against the petitioner are punishable with imprisonment of less than seven years, the Investigating Officer will follow the due procedure as contemplated under the provisions of Section 35(3) of the BNSS, and the petitioner has to cooperate with the investigation.

¹ (2014) 8 SCC 273



7. Learned counsel for the petitioner by way of reply submitted that the petitioner will appear before the Investigating Officer and will cooperate with the investigation.
8. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that 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 contemplated under the provisions of the 35(3) of the BNSS.
9. In view of the same, the petitioner is directed to appear before the Investigating Officer on or before 04.08.2026 and on such appearance, the Investigating Officer is directed to follow the procedure contemplated under the provisions of the BNSS, and also the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra) and the petitioner shall cooperate with the investigation. It is needless to mention that the petitioner is entitled to submit reply to the notice under Section 35(3) of the BNSS by raising all the pleas which are available to him and he is also entitled to



submit the documents, if any, which are in his custody, to the Investigating Officer.

10. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

**SD/- B.REKHA RANI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Police Station, Palakurthy , Jangaon District
2. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
3. One CC to SRI. CHALAKANI VENKAT YADAV Advocate [OPUC]
4. Two CD Copies

TPK/KA



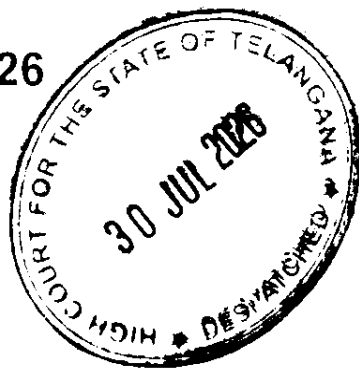
2026:TSHC:14157

HIGH COURT

DATED: 24/07/2026

ORDER

CRLP.No.11095 of 2026



CRIMINAL PETITION IS DISPOSED OF

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