

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 10773 OF 2025

Between:

Orre Chinna Mallaiah, S/o. Pedda Ayyanna, Aged about 38 years, Occ:
Agriculturist, R/o Mukkidigundam Village, Kollapur Mandal, Nagarkurnool District.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Through Kollapur Police Station, Nagarkurnool District, Rep. by Public Prosecutor, High Court at Hyderabad.

...RESPONDENT No.1

2. Jeti Rambabu, S/o. Venkataswamy, Aged 34 years, Occ: Driver, R/o Patha Yapatla Village, Peddakothapally Mandal, Nagarkurnool District.

...RESPONDENT No.2/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 call for records relating to FIR no 52 of 2025 filed at Kollapur PS, Nagarkurnool District and quash the proceedings thereon, and grant such other orders or Orders this Court may deem fit and proper in the circumstances of the case.

I.A. NO: 2 OF 2025

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 grant a stay of all further proceedings and direct the respondent no.1 not to take any coercive steps herein FIR no 52 of 2025 filed at Kollapur PS, Nagarkurnool District pending disposal of the criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri. B. BHAGATH SAIN, Advocate for the Petitioner and the Sri. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent No.2.

The Court made the following ORDER:

THE HON'BLE SMT. JUSTICE TIRUMALA DEV EADA

CRIMINAL PETITION No.10773 of 2025

ORDER:

This Criminal Petition is filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/accused seeking to quash the proceedings against him in Crime No.52 of 2025 on the file of Kollapur Police Station, Nagarkurnool, registered for the alleged offence punishable under Sections 115(2), 352 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 3(1)(r) of SC ST POA Act.

2. Heard Sri B.Bhagath Sain, learned counsel for the petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. Though this petition is filed for quashing the proceedings in the crime, during the course of arguments, learned counsel for petitioner has sought for directions to the Police to proceed with investigation by issuing notice under Section 35(4) of Bharatiya Nagarik Suraksha Sanhita (BNSS) (Previously Section 41-A of Cr.P.C.).

4. Learned Additional Public Prosecutor has not disputed the same.

5. Considering the submissions of both the counsel and on perusal of the material available on record, it is seen that the allegations are under Sections 115(2), 352 of BNS and Section 3(1)(r) of SC ST POA Act and the punishment prescribed for the said offences alleged against the petitioner is less than seven (07) years. Hence, without going into the merits of the case, this Court deems it appropriate to direct the petitioner to appear before the Investigating Officer on or before 05.09.2025 between 11:00 a.m. and 05:00 p.m. and in turn, the Investigating Officer is directed to follow the procedure laid down under Section 35 (3) of the BNSS (previously section 41-A of Criminal Procedure Code, 1973) and also the guidelines formulated by the Hon'ble Supreme Court of India in **Arnesh Kumar v. State of Bihar**¹ scrupulously. However, the petitioner shall submit his defense and co-operate with the Investigating Officer as and when required by furnishing information and produce all relevant documents/material required for the purpose of the investigation and the Investigating Officer

¹ (2014) 8 SCC 273

shall consider the same and shall complete the investigation strictly in accordance with law.

6. With the above said observations, this Criminal Petition is disposed of. There shall be no order as to costs.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

SD/- P. BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Kollapur.
2. The Station House Officer, Police Station Kollapur, Naga kurnool District.
3. One CC to Sri. B. BHAGATH SAIN, Advocate [OPUC].
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT].
5. Two CD Copies

TTS/PSL

AK

HIGH COURT

DATED: 22/08/2025

ORDER



CRLP.No.10773 of 2025

CRIMINAL PETITION IS DISPOSED OF

⑧ MT
10/11/25