

IN THE HIGH COURT FOR THE STATE OF TELANGANA

**MONDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 13875 OF 2025

Between:

Sri. Rachakonda Madhu@Saikiran, S/o Yadaiah Aged about 26 years, Caste. Chakali, Occu Agriculture, R/o Lakudaram Village, Kukunoorpally Mandal, Siddipet District, Telangana 502 301

...PETITIONER/ACCUSED NO.1

AND

1. The State of Telangana, Represented by Public Prosecutor, High Court of Judicature at Hyderabad
2. Sri. Eega Raju, S/o. Yadaiah, Caste. Mudiraj, Occ. Agriculture, R/o. Lakudaram Village, Kukunoorpally Mandal, Siddipet District, Telangana 502 301

...DEFACTO COMPLAINANT/RESPONDENT NO.2

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 the records relating to Crime No. 219 of 2025 dated 07.10.2025 under Section 118(1), r/w3(5) of the BNS. on the file of Kukunoorpally Police Station, Siddipet District, and quash the proceedings therein against the Petitioner/Accused No. 1 and pass such other order or orders 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 stay all further proceedings including arrest of the petitioner/accused No.1 in proceedings in Crime No. 219 of 2025 dated 07.10.2025 under Section 118(1), r/w3(5) of the BNS. on the file of Kukunoorpally Police Station, Siddipet District, including direction not to arrest the petitioner/ accused No. 1, and pass such other order or orders may deem fit and proper in the circumstances of the case.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K KARUNAKAR, Advocate for the Petitioner and Sri. Jithender Rao Veeramalla the Addl. Public Prosecutor (TG) on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.13875 of 2025

ORDER:

1. This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking the Court to quash the proceedings against the petitioner/accused No.1 in Crime No.219 of 2025, on the file of Kukunoorpally Police Station, Siddipet District, registered for the offence punishable under Section 118(1) read with 3(5) of BNS, 2023.

2. Heard Sri K.Karunakar, learned counsel for the petitioner/accused No.1 as well as Sri Jitender Rao Veeramalla, the learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. Learned counsel for the petitioner has restricted his submission stating that a direction be issued to the Police to follow the procedure prescribed under Section 35 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

4. On the other hand, the learned Additional Public Prosecutor submitted that the punishment prescribed for the offences alleged against the petitioner is less than seven (07) years and has sought for directions to the Police to proceed with investigation by issuing

notice under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

5. Perused the record. The allegations leveled against the petitioner pertain to the offence under Section 118(1) read with 3(5) of BNS, 2023, which attracts punishment of less than seven years. Hence, without going into the merits of the case, this Court deems it appropriate to direct the petitioner/accused No.1 to appear before the Investigating Officer on or before 17.11.2025 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/accused shall submit his defense and co-operate with the Investigating Officer as and when required by furnishing information and producing all relevant documents/material required for the purpose of investigation and the Investigating Officer shall consider the same and complete the investigation strictly in accordance with law.

¹ (2014) 8 SCC 273

6. Accordingly the Criminal Petition is disposed of.
7. As a sequel, miscellaneous petitions, pending if any, shall stand closed.

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

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Siddipet, Siddipet District.
2. The SHO Kukunoorpally Police Station, Siddipet District, Telangana.
3. One CC to SRI. K KARUNAKAR Advocate [OPUC]
4. One CC to SRI. PUBLIC PROSECUTOR Advocate [OL]
5. Two CD Copies

PIL/SA

Kg

HIGH COURT

DATED:27/10/2025

ORDER

DISPOSSED OFF



CRLP.No.13875 of 2025

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