

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

FRIDAY, THE NINETEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 9038 OF 2026

BETWEEN:

Kasarapu Gangaiah, s/o. Ellaiah, Age. 45 years, Occ. Toddy worker, R/o. Nandagiri village, Pegadapalli Mandal, Jagtial District, Telangana state.

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court at Hyderabad for the State of Telangana.
2. Palakala Manusha, S/o. Madhu, Age. 55 years, Occ. Agriculture, R/o. Nandagiri village, Pegadapalli Mandal, Jagtial district, Telangana State.

...Respondents

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 in FIR No. 71 of 2026 dated 20.04.2026 on the file of the SHO Pegadapalli Police Station, Jagtial District in so far as petitioner/Accused.

I.A. NO: 1 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 grant stay of all further proceedings against the petitioner/accused in FIR No. 71 of 2026 dated 20.04.2026 on the file of the SHO Pegadapalli Police Station, Jagtial District pending disposal of the 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 Alluri Divakar Reddy, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, learned 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.9038 of 2026

Date: 19.06.2026

Between:

Kasarapu Gangaiah

...Petitioner /Accused

AND

The State of Telangana and another.

...Respondents

Order:

This Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short 'the BNSS') by the petitioner/accused seeking to quash the proceedings in Crime No.71 of 2026 of Pegadapalli Police Station, Jagtial District, registered for the offence punishable under Section 106(1) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'the BNS').

2. Heard Mr. Alluri Divakar Reddy, learned counsel for the petitioner and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for respondent No.1.
3. With their consent, the 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 offences and has been falsely implicated in the present case. Even according to the allegations levelled in the complaint, the ingredients of the offences under Section 106(1) of the BNS are not attracted against the petitioner. The well in which the deceased allegedly died does not belong to the petitioner. The petitioner is neither the owner nor in possession of the land or the well in question. Despite being aware of these facts, the *de facto* complainant has lodged the present complaint solely with an intention to harass the petitioner and to extract money from him, which is a clear abuse of the process of law. He further submitted that the offences levelled 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 '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.

5. *Per contra*, learned Additional Public Prosecutor basing upon the written instructions furnished by the Sub-Inspector of Police,

¹(2014) 8 SCC 273

Pegadapalli Police Station, Jagtial District, dated 17.06.2026, submitted that there are specific allegations levelled against the petitioner to attract the above said offence. Whether the allegation levelled against the petitioner is true or not, the same has to be revealed during the course of investigation, especially, the investigation is under progress. The Investigating Officer recorded the statements of LW-1 to LW-6 and the petitioner is not entitled to seek quashment of the proceedings against him at the threshold, especially, an FIR is not required to be an encyclopedia of all facts relating to the alleged offence. He further submitted that the offence leveled against petitioner/accused is punishable with imprisonment of less than seven years and the Investigating Officer had already issued notice under Section 35(3) of the BNSS to the petitioner/accused on 21.04.2026. The petitioner is entitled to submit his reply to the said notice by putting forth his grievances, on the other hand, approached this Court and filed the present criminal petition.

6. Having considered the rival submissions made by the learned counsel for the petitioner and learned Additional Public Prosecutor and upon perusal of the material available on record, it reveals that the offence leveled against petitioner/accused is punishable with imprisonment of less than seven years. Even

according to the learned Additional Public Prosecutor, the Investigating Officer has already issued notice under Section 35(3) of the BNSS to petitioner/accused on 21.04.2026. In view of the same, petitioner/accused is entitled to submit his reply by raising all the pleas which are available to him and he is also entitled to submit the documents, which are in his custody. The Investigating Officer is further directed to scrupulously follow the procedure as contemplated under the provisions of the BNSS and the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**, the principles laid down by the Hon'ble Apex Court in **Md. Asfak Alam v. The State of Jharkhand & another** (Crl.A.No.2207 of 2023) dated 31.07.2023, and also the circular issued by this Court in ROC.No.1399/SO/2023 dated 09.08.2023 and conclude the investigation.

7. Subject to the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand

SD/- L.VIJAYA LAXMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Judicial First Class Magistrate At Jagitial.
2. The Station House Officer, Pegadapalli Police Station, Jagitial District.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri Alluri Divakar Reddy, Advocate [OPUC]
5. Two CD Copies

GNK/KA

(SK)

HIGH COURT

DATED: 19/06/2026



ORDER

CRLP.No.9038 of 2026

DISPOSING THE CRIMINAL PETITION

(8) (SK) /
24/6/26