

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

**FRIDAY, THE SEVENTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 11223 OF 2026

Between:

1. Chennavally Shagala Shankamma, W/o. Late Shagala Nagaiah, Age. 65 years, Occ. Agriculture, R/o. H.No. 5-109/3, Santhosh Colony, Jadcherla Town and Mandal, Mahabubnagar District.
2. Manemma, W/o. Venkataiah, Age. 45 years, Occ. Labourer, R/o. Bandimamidipally Village, Jacherla Mandal, Mahabubnagar District.

...Petitioners

AND

1. The State of Telangana, through S.H.O of Police Station Jadcherla, Mahabubnagar District Rep. by its Public Prosecutor, High Court at Hyderabad.
2. Sulthan Md, S/o. Sardar Ali, Age. 60, Occ. Business, R/o. H.No. 7-82/1, Jadcherla Town and Mandal, Mahabubnagar District.

...Respondents/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 quash the proceedings in FIR No.482 of 2026 on the file of Police Station, Jadcherla Town, Mahabubnagar District.

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 stay all further proceedings in FIR No.482 of 2026 on the file of Police Station Jadcherla Town, Mahabubnagar District, 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 P. Giri Krishna, Advocate for the Petitioners 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.11223 of 2026

Date: 17.07.2026

Between:

Chennavally Shagala Shankaramma and another

...Petitioners

AND

The State of Telangana and another.

.. Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.482 of 2026 of Jadcherla Town Police Station, Mahabubnagar, wherein the petitioners were arrayed as accused Nos.1 and 2 for the offences punishable under Sections 329(3), 324(4), 115(2) and 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Mr.P.Giri Krishna, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. With their consent, the criminal petition is disposed of at the stage of admission.

4. Learned counsel for the petitioners submits that the petitioners have not committed the alleged offences and have been falsely

implicated in the present case. The allegations levelled against the petitioners are purely civil in nature, particularly since petitioner No.1 has filed O.S. No.81 of 2026 on the file of the learned Junior Civil Judge, Jadcherla, against respondent No.2 seeking a decree of perpetual injunction. When the said suit is pending between the parties before the competent Civil Court in respect of the very same property, respondent No.2 filed the present complaint by giving a criminal colour. He further submits that the alleged offence have taken place on 25.06.2026 at 08:00 hours; however, respondent No.2 lodged the present complaint only on 01.07.2026, though no such incident had occurred on the alleged date. Respondent No.2 filed the present complaint as an afterthought, without assigning any reason for the delay in lodging the complaint. He further submits that the ingredients of the offences under Sections 329(3), 324(4), 115(2) and 351(2) r/w 3(5) of the BNS are not attracted against the petitioners and 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 submitted that there are specific allegations levelled against the petitioners that the petitioners have trespassed into the property of respondent No.2 and removed the trees. 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. He further submitted that the Investigating Officer wants to follow the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in *Arnesh Kumar* (supra) on the ground that the offences levelled against the petitioners are punishable with imprisonment less than years. However, the petitioners are not coming forward to receive the notice under Section 35(3) of BNSS and not cooperating with the Investigating Officer.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the offences levelled against the petitioners are punishable with imprisonment of less than seven years. Even

¹(2014) 8 SCC 273

according to the learned Additional Public Prosecutor, the Investigating Officer intends to follow the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in *Arnesh Kumar* (supra).

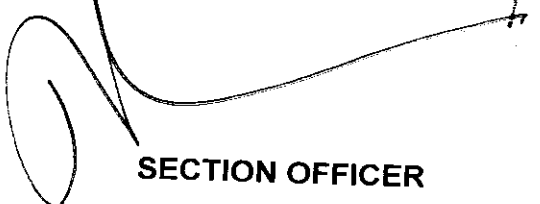
7. In view of the same, the petitioner is entitled to submit reply/explanation along with the documents, which are available with them, to the Investigating Officer. The Investigating Officer is entitled to follow the procedure contemplated under Section Section 35(3) of the BNSS and follow the guidelines issued by the Apex Court in *Arnesh Kumar* (supra).

8. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

**SD/- L.VIJAYA LAXMI
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Additional Judicial Magistrate of First Class At Jadcherla.
2. The Station House Officer, Police Station Jadcherla Town, Mahabubnagar District.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri. P. Giri Krishna, Advocate [OPUC]
5. Two CD Copies

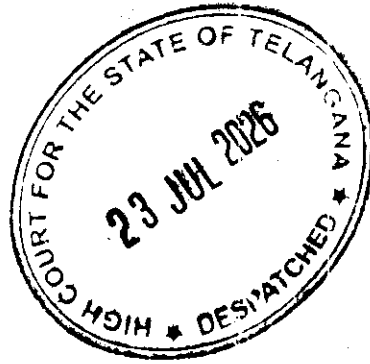
GNK/KA 

HIGH COURT

DATED: 17/07/2026

ORDER

CRLP.No.11223 of 2026



DISPOSING THE CRIMINAL PETITION

⑧
NT
23/7/26