

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

THURSDAY, THE TWENTY THIRD DAY OF JULY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**CRIMINAL PETITION NO: 11709 OF 2026**

**Between:**

1. Sangepogu Arun Kumar, S/o. Mosha, H.No.15-85, SC Colony, Occ. Political leader Congress Party Mandal President, age 40years, Amarchintha., Atmakur Mandal, Wanaparthy District - 509130.
2. Sangyapaga Shyam Kumar, S/o. Balanna, H.No.8-8/3, SC Colony, Occ. Amarchintha., Congress Party, Occ. Political Leader, age.40years Atmakur Mandal, Wanaparthy District - 509130.

**...Petitioners/Accused Nos.1 & 2**

**AND**

1. The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Pathangi Raghavendar Goud, s/o Balaiah, Age. 38 years, Occ. Business, R/o Marikal Village and Mandal, Naravanpet District, Telangana.

**...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 FIR in Crime No.75 of 2026 dated 16/07/2026 on the file of Amarachintha Police Station, Wanaparthy District, registered against the Petitioners/Accused Nos.1 and 2 for the offences punishable under Sections 308(2), 329(4), 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya. Sanhita, 2023, in exercise of the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and consequently quash all further proceedings arising there from.

**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 investigation, pursuant to the FIR in Crime. No.75 of 2026 dated 16.07.2026, on the file of Amarachintha Police Station,

Wanaparthy District. registered for the offences punishable under. Sections 308(2), 329(4), 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, 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 Pally Vinod Kumar Reddy, Advocate for the Petitioner and Sri Jithender Rao Veeramalla. Additional Public Prosecutor on behalf of Respondent No.1 and none appeared for the Respondent No.2.

**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.11709 of 2026**

**Date: 23.07.2026**

Between:

Sangepogu Arun Kumar 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.75 of 2026 of Amarachintha Police Station, Wanaparthi District, wherein the petitioners were arrayed as the accused Nos.1 and 2 for the offences punishable under Sections 308 (2), 329 (4), 351 (2) and 352 r/w. 3 (5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr.Pally Vinod Kumar Reddy, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. With the consent of both the learned counsel, the criminal petition is disposed of at the admission stage.

4. Learned counsel for the petitioners submitted that the petitioners have not committed the alleged offences and have been falsely implicated in the present crime. He further submitted that the allegations made in the complaint are purely civil in nature. The respondent No.2 ought to have approached the competent civil Court; on the other hand, he filed the present complaint by giving it a criminal colour.

4.1. He further submitted that the offences levelled against the petitioners 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***<sup>1</sup>, is proceeding further in the matter and the same is contrary to law.

5. *Per contra*, the learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioners in the complaint. The said allegations prima facie attract the ingredients of the offences under Sections 308 (2), 329 (4), 351

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<sup>1</sup>(2014) 8 SCC 273

(2) and 352 r/w. 3 (5) of BNS. Whether the allegations levelled in the complaint are true or not can be revealed only during the course of the investigation, especially when the investigation is still in progress. At this stage, the petitioners are not entitled to seek quashing of the proceedings. He further submits that the Investigating Officer intends to follow the procedure contemplated under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in *Arnesh Kumar* (supra) on the ground that the alleged offences levelled against the petitioners are punishable with imprisonment of less than seven years. However, the petitioners have not been cooperating with the investigation.

6. By way of reply, learned counsel for the petitioners submits that the petitioners will cooperate with the Investigating Officer.

7. 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 according to the learned Additional Public Prosecutor, the Investigating Officer want 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).

8. In view of the above, the petitioners/accused Nos.1 and 2 are directed to appear before the Investigating Officer on or before 05.08.2026 and 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 35(3) of the BNSS and follow the guidelines issued by the Apex Court in *Arnesh Kumar* (supra).

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

**SD/- P.C.SULEKHA DEVI  
ASSISTANT REGISTRAR**

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**SECTION OFFICER**

**To,**

1. The Judicial First Class Magistrate at Atmakur
2. The Station House Officer, Amarachintha Police Station, Wanaparthi District
3. One CC to SRI. PALLY VINOD KUMAR REDDY, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

ADK:GNK

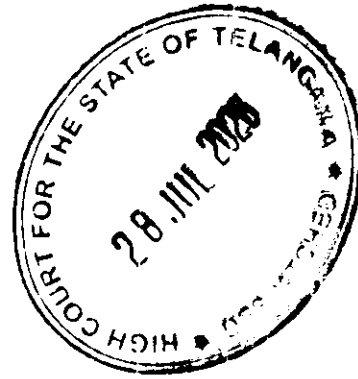
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**HIGH COURT**

**DATED: 23/07/2026**

**ORDER**

**CRLP.No.11709 of 2026**



**DISPOSING OF THE CRLP**

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