

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 11923 OF 2026

Between:

1. Mamidipalli Anjanayya @ M. Anjaneyulu, S/o. M. Govindappa, aged about 59 years, R/o. H.No. 2-53, Occ.Agriculture OC Colony, B. Ramasagaram village, Beluguppa Mandal, Anantapuramu District. Andhra Pradesh.
2. Mamidipalli Lalitamma @ M. Lalitha, W/o. Mamidipalli Anjanayya @ M. Anjaneyulu, aged about 50 years, R/o. H.No. 2-53, Occ.HouseWife OC Colony, B. Ramasagaram village, Beluguppa Mandal, Anantapuramu District. Andhra Pradesh.

...PETITIONERS/ACCUSED No.2 & 3

AND

1. The State of Andhra Pradesh, Rep. by Station House Officer, Shamirpet P.S. Malkajgiri District, Through its Public Prosecutor, High Court for the state of Telangana., Hyderabad.
2. Victim Women, Kukatpally, Medchal-Malkajgiri

...RESPONDENTS/COMPLAINANTS

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 Cr No. 207 of 2026 on the file of Shamirpet Police Station, Malkajgiri District.

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 of all further proceedings in Cr No. 207 of 2026 on the file of Shamirpet Police Station, Malkajgiri 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 Mr. B. Nageshwar Rao representing Sri E ANJANA REDDY, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the Additional Public Prosecutor on behalf of the 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.11923 of 2026

Date: 04.08.2026

Between:

Mamidipalli Anjanayya @ M.Anjaneyulu 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.207 of 2026 of Shamirpet Police Station, Malkajgiri District, wherein the petitioners were arrayed as the accused Nos.2 and 3 for the offences punishable under Sections 69 and 352 r/w. 3 (5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 3 (2) (V) (a) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 2015 (for short 'POA Act').

2. Learned Additional Public Prosecutor submitted that, pursuant to the order dated 28.07.2026, the Investigating Officer served notice on the de facto complainant about filing of the present Criminal Petition. Despite service of notice, respondent

No. 2 has not chosen to enter her appearance. Hence, this Court has no option except to proceed with the matter in accordance with law.

3. Heard Mr.B.Nageshwar Rao, learned counsel representing Ms.E.Anjana Reddy, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

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

5. Learned counsel for the petitioners submitted that the petitioners have not committed the alleged offences and have been falsely implicated in the present case only on the ground that they are the parents of accused No.1. The entire allegations are levelled against accused No.1. The petitioners never abused respondent No.2 in the name of her caste. Despite the same, respondent No.2 implicated the petitioners by making omnibus allegations against them.

5.1. 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***¹, is proceeding further in the matter and the same is contrary to law.

6. *Per contra*, the learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioners in the complaint. 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 at the threshold. 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.

¹(2014) 8 SCC 273

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

8. 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 will follow the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in *Arnesh Kumar* (supra).

9. In view of the above, the petitioners are directed to appear before the Investigating Officer on or before 14.08.2026 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).

10. 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 Judicial First Class Magistrate at Medchal, Cyberabad.
2. The Station House Officer, Shamirpet Police Station, Malkajgiri District
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OJT)
4. One CC to SRI E ANJANA REDDY Advocate [OPUC]
5. Two CD Copies

TPK 

HIGH COURT

DATED: 04/08/2026

ORDER

CRLP.No.11923 of 2026



CRIMINAL PETITION IS DISPOSED OF

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