

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

**WEDNESDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 12578 OF 2026

Between:

1. A.Laxmi, W/o Late Pochaiah Aged . 64 yrs., Occ . Household R/o. 1-86-1, Fish Market, Shankarampet, Medak District **(A-2)** ...**Petitioner/A-2**
2. A. Venkateswari, W/o. B. John Aged . 44 yrs, Occ . Pvt. Employee R/o. 5-2-63, Dalita Basthi Premavatipet, Rajendranagar Ranga Reddy District **(A-3)**

... **Petitioner/A-3**

AND

1. The State of Telangana, Represented by Public Prosecutor High Court for the State of Telangana Hyderabad. ...**Respondent - 1**
2. Smt.P. Sangeetha, W/o. A. Bethaih, Aged . 49 Yrs., Occ . Pvt. Employee R/o. Plot No. 772-B, Phase-I Allwyn Colony, Kukatpally, Hyd.72

...**Respondent/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 FIR No.704/2026 dated 15th July, 2026 on the file of the SHO, Alwal Police Station, Medchal-Malkajgiri, registered u/ s. 85 BNS and Sections 3 and 4 of the Dowry Prohibition Act.

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 including the arrest of the petitioners in FIR NO.

704/2026 dated 15th July, 2026 on the file of the SHO, Alwal Police Station, Medchal-Malkajgiri 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. G V S Nagesh, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and of 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.12578 of 2026

Date: 05.08.2026

Between:

A. Laxmi and another

...Petitioners/Accused Nos.2 and 3
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 petitioners/accused Nos.2 and 3 seeking to quash the proceedings in Crime No.704 of 2026 of Alwal Police Station, Medchal-Malkajgiri, registered for the offence punishable under Section 85 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'the BNS') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short 'DP Act').

2. Heard Mr. G.V.S.Nagesh, learned counsel for the petitioners, 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 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 petitioners are the mother and sister of accused No.1. Respondent No.2 voluntarily left the matrimonial house of accused No.1. At no point of time, the petitioners have harassed or abused respondent No.2 for additional dowry. He further submitted that accused No.1 filed F.C.O.P.No.309 of 2026 before the Additional District Judge-cum-Family Court, Ranga Reddy District, at Kukatpally, seeking restitution of conjugal rights. After receiving the summons in the said case, respondent No.2 filed the present complaint by making omnibus allegations. Hence the continuation of proceedings against the petitioners is a clear abuse of process of law. 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 Bihar¹, 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 in the complaint about the harassment made by the petitioners against respondent No.2. Whether the allegations levelled against the petitioners are true or not, the same has to be revealed during the course of investigation and the petitioners are not entitled to seek quashment of proceedings against them at threshold, especially when the investigation is under progress. He further submitted that, since the offences leveled against petitioners are punishable with imprisonment of less than seven years, the Investigating Officer will follow the due procedure as contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in **Arnesh Kumar (supra)**.

6. Having considered the rival submissions made by the respective parties and upon 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

¹(2014) 8 SCC 273

Investigating Officer wants to follow the due procedure as contemplated under the provisions of the 35(3) of the BNSS.

7. In view of the same, the Investigating Officer is directed to follow the procedure contemplated under the provisions of the BNSS, and also the guidelines formulated by the Hon'ble Apex Court in **Arnesh Kumar (supra)** in respect of petitioners/accused Nos.2 and 3 and the petitioners shall cooperate with the investigation. It is needless to mention that the petitioners are entitled to submit reply to the notice under Section 35(3) of the BNSS by raising all the pleas which are available to them and they are also entitled to submit the documents, if any, which are in their custody, to the Investigating Officer.

8. Accordingly, the Criminal Petition is disposed of.
Miscellaneous applications, pending if any, shall stand closed.

Sd/- B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//



SECTION OFFICER

To,

1. The X Additional Judicial First Class Magistrate at Medchal Court, Medchal Malkajiri District.
2. The Station House Officer, Alwal Police Station, Medchal-Malkajiri District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Mr. G V S Nagesh, Advocate [OPUC]
5. Two CD Copies

DL/VH



HIGH COURT

DATED: 05/08/2026

ORDER

CRLP.No.12578 of 2026



CRIMINAL PETITION IS DISPOSED OF

⑧
kps
13/8/26.