

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

**TUESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 12622 OF 2026

Between:

1. Mathi Padmakumari, W/o. Kamalakara Rao, Age. 56 Years, Occ. Housewife, R/o. H.No. 20/335-17, Sri Krishna Nagar, Near DEO Office, Machilipatnam, Chilakalapudi (Rural), Krishna District, AP-521002.
2. Simhadri Venkatalakshmi @ Beamma, W/o. Seshu Babu, Age. 55 Years, Occ. Housewife, R/o. H.No. 1/3, Kaldindi Road, Korukollu, Krishna District, AP-521343.
3. Vijaya Tej Mathi, S/o. Kamalakara Rao Mathi, Age. 38 Years, Occ. Pvt. Employee, R/o. H.No. 20/335-17, Near DEO Office, Srikrishna Nagar, Chilakalapudi, Krishna District, AP-521002.

...PETITIONERS/ACCUSED No.2 to 4

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High court at Hyderabad, Hyderabad.
2. Smt.Thota Dhanalakshmi, W/o. Venkatesh Mathi, Aged 34 Years, Occ. Pvt. Job, R/o. Flat No. G-6, Balaji, Awas Pragathi Nagar, Bachupally, Medchal Malkajgiri District.

...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 call for the records pertaining to Cr No. 687 of 2026 pending on the file of Bachupally Police Station quash the same in the interest of justice.

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 of the petitioners herein in Cr No. 687 of 2026 pending on the file of Bachupally Police Station, pending disposal of the Criminal Petition before this Hon'ble Court.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri JAYSURYA VISHNU VARDHAN, 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

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 12622 of 2026

DATE: 11.08.2026

Between :

Mathi Padmakumari and two others

....Petitioner/Accused Nos.2 to 4

AND

The State of Telangana and another.

...Respondents

: O R D E R :

This criminal petition has been filed by the petitioners/accused Nos.2 to 4 seeking to quash the proceedings in F.I.R.No.687 of 2026 of Bachupally Police Station, Cyberabad, registered for the offences under Sections 85 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS') and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard Mr. B. Mallesh Yadav, learned counsel representing Mr. J. Vishnu Vardhan, learned counsel for the petitioner, and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1 State. With their consent, the criminal petition is being disposed of at the stage of admission.

3. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and have been falsely implicated in the present crime only on the ground that petitioner No.1 is the mother, petitioner No.3 is the brother of accused No.1, and petitioner No.2 is the sister of petitioner No.1 by making

omnibus allegations, though the petitioners never harassed respondent No.2 at any point of time. Further respondent No.2 never lived with the petitioners and the entire allegations are levelled against accused No.1. He further submitted that the offences alleged against the petitioner are punishable with imprisonment of less than seven years. However, the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹, is proceeding with the investigation and the same is contrary to law.

4. *Per contra*, learned Assistant Public Prosecutor submitted that there are specific allegations levelled against the petitioners in the complaint regarding harassment and demand for additional dowry. The said allegations attract the ingredients of the offences under Sections 85 of the BNS and Sections 3 and 4 of the D.P. Act. However, as the imprisonment prescribed for the offences levelled against the petitioner is less than seven years, the Investigating Officer has already served a notice under Section 35(3) of the BNSS on accused No.1 on 28.07.2026 and the Investigating Officer will follow the very same procedure in respect of the petitioners. However, the petitioners have been avoiding receiving the notice under Section

¹(2014) 8 SCC 273

35(3) of the BNSS and have not been cooperating with the investigation from the registration of the crime.

5. Learned counsel for the petitioners, by way of reply, submitted that the petitioners will cooperate with the investigation.

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 arise out of a matrimonial dispute and are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer intends to follow the due procedure as contemplated under the provisions of the BNSS.

7. Hence, the petitioners/accused Nos.2 to 4 are directed to appear before the Investigating Officer on or before 31.08.2026, and on such appearance, the Investigating Officer is directed to issue notice under Section 35(3) of BNSS and follow the guidelines issued by the Apex Court in **Arnesh Kumar** *supra*.

8. It is needless to mention that the petitioners are entitled to put forth their grievance upon receipt of the notice under Section 35(3) of the BNSS and are also entitled to submit the documents, if any, which are in their possession.

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

Miscellaneous applications, pending if any, shall stand closed.

**SD/- C. DEEPIKA
ASSISTANT REGISTRAR**

//TRUE COPY//



SECTION OFFICER

To,

1. The Prl. Junior Civil Judge cum XI Addl. Metropolitan Magistrate Kukatpally, Cyberabad
2. The Station House Officer, Police Station, Bachupally, Cyberabad
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI JAYSURYA VISHNU VARDHAN Advocate [OPUC]
5. Two CD Copies

TPK/GNK

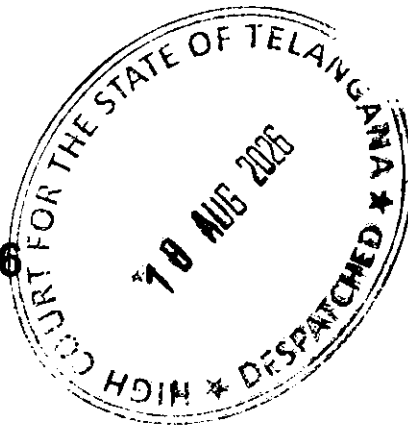


HIGH COURT

DATED: 11/08/2026

ORDER

CRLP.No.12622 of 2026



CRIMINAL PETITION IS DISPOSED OF

⑧
kps
18/8/26