IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY ,THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION NO: 14063 OF 2024

Between:

1. Kurakula Nagaraju, S/o. K. Saraiah, Age. 34, Occ. Private Employee, R/o. Dharmaram Villa, Nadikuda Mandal, Warangal.
2. Pallakonda Nagarvarsha, S/o. P. Raju, Age. 26, Occ. Private Employee, R/o. Dharmaram Villa, Nadikuda Mandal, Warangal.
3. Kurakula Swathi, W/o. K. Saraiah, Age. 24, Occ. Private Employee, R/o. Dharmaram Villa, Nadikuda Mandal, Warangal.
4. Kurakula Aravind, S/o. K. Saraiah, Age. 28, Occ. Private Employee,R/o. Dharmaram Villa, Nadikuda Mandal, Warangal.
5. Pallakonda Suraiah, S/o. P. Samaiah, Age. 50, Occ. Farmer, R/o. Dharmaram Villa, Nadikuda Mandal, Warangal.
6. Pallakonda Ralitha, W/o. P. Samaiah, Age. 45, Occ. Household,R/o. Dharmaram Villa, Nadikuda Mandal, Warangal.
7. Kurakula Pushpamma, W/o. K. Saraiah, Age. 50, Occ. Household, R/o. Dharmaram Villa, Nadikuda Mandal, Warangal.
8. Kurakula Saraiah, S/o. K. Yellaiah, Age. 55, Occ. Agriculture, R/o. Dharmaram Villa, Nadikuda Mandal, Warangal.

...PETITIONER/APPELLANTS

AND

1. The State of Telangana, Through Public Prosecutor, High Court for the State of Telangana, Hyderabad.

...RESPONDENT/COMPLAINANT

2. Smt. Kumbal Swetha, W/o. Kurakula Nagaraju, Aged about 31 years, Occ. Housewife, R/o. 4-7-226/17/CLR Vikarabad Town, Mandal and District.

...DE-FACTO COMPLAINANT

Petition under Section 528 of B.N.S.S. 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 connected to Crime No. 41 of 2024 registered by WPS Vikarabad,vikarabad and quash the same.

I.A. NO: 2 OF 2024

Petition under Section 482 of Cr.P.C 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 the arrest of the petitioners in connection with Crime No. 41 of 2024 in registered by WPS Vikarabad PS, Vikarabad District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri VIJAY B PAROPAKARI ,Advocate for the Petitioner and Sri JIthender Rao Veeramalla, the Additional Public Prosecutor (TG) on behalf of the Respondent No.1 and none appeared for the Respondent No.

The Court made the following: ORDER

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.14063 of 2024

ORDER:

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners/accused Nos.1 to 8, seeking to quash the proceedings against them in Cr.No.41 of 2024 of WPS Vikarabad, Vikarabad District, registered for the offences punishable under Sections 85 of Bharatiya Nyaya Sanhita (for short 'BNS').

2. Heard learned counsel representing petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the State. Perused the record.

3. Though this petition is filed for quashing the proceedings in the crime, during the course of arguments, learned counsel for petitioners has sought for directions to the Police to proceed with

investigation by issuing notice under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita (BNSS) (Previously Section 41-A of Cr.P.C.).

4. In view of the above, without going into merits of the case, this criminal petition is disposed of directing the Police concerned to proceed with the investigation in the above crime after issuing notice under Section 35(3) of BNSS (Previously Section 41-A of Cr.P.C.) to the petitioners/accused Nos.1 to 8 and they shall also follow the guidelines of Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar and another**[1]. The petitioners shall co-operate with the investigating officer in concluding the investigation.

Miscellaneous petitions pending, if any, shall stand closed.

Sd/- K. AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer,Women Police Station, Vikarabad, Vikarabad District.
2. One CC to SRI VIJAY B PAROPAKARI, Advocate [OPUC]
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad[OUT]
4. Two CD Copies

AR/gh

HIGH COURT

DATED:21/11/2024



ORDER

CRLP.No.14063 of 2024

DISPOSING OF THE CRL.P.

7 Copies
30/11/24.