HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 14982 OF 2024

Between:

Smt. Kolagani @ Jagruthi Kavya, W/o Dayakar, Aged about 42 years, Occ Housewife R/o Nehru nagar, Jangaon District, Telangana State.

...PETITIONER/ACCUSED(S)

AND

1. The State of Telangana, Rep by Public Prosecutor High court of Telangana.
2. The Commissioner of Police Warangal, Commissionerate.
3. The S.H.O.,, P.S. KUC, Warangal District
4. Gandrathi. Srinivas, S/o Iylaiah, aged 46 years, R/o Pegadapelli village, Puppalguda village, Ranga Hasanparthy mandal, Hanumakonda district. Occ Business

...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 FIR No. 568 of 2024 dated 13.11.2024 on the file of P.S. P.S. KUC, Warangal District, Telangana State, against the Petitioner/Accused No. 2 and pass such other order or orders may deem fit and proper in the circumstances of the case.

I.A. NO: 3 OF 2024

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 FIR No. 568 of 2024 dated 13. 11. 2024 on the file of P. S. P. S. KUC , Warangal District, Telangana State, against the Petitioner/Accused No. 2 till the disposal of the main Quash Petition in the interest of the justice.

I.A. NO: 1 OF 2024

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 dispense with filing of the original certified copy of FIR No. 568 of 2024 dated 13.11.2024 on the file of P.S. P.S. KUC, Warangal District, Telangana State, against the Petitioner/Accused No. 2 dated before this Honble Court.

I.A. NO: 2 OF 2024

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 may be direct the police not to arrest the petitioner in FIR No. 568 of 2024 dated 13.11.2024 on the file of P.S. P.S. KUC, Warangal District, Telangana State, against the Petitioner/Accused No. 2 till the disposal of the main Quash Petition in the interest of the justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Pagilla Jayanthi, Advocate for the Petitioner and Sri Jithendar Rao Veeramalla, Additional Public Prosecutor (TG) on behalf of the Respondent No.1 and none appeared for the Respondent No.2 to 4.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14982 of 2024

ORDER:

This Criminal Petition is filed under Section 528 of Bharatiya Nyaya Suraksha Sanhita (for short 'BNSS') by the petitioner/accused No.2 seeking to quash the proceedings against her in Crime No.568 of 2024 on the file of P.S.KUC, Warangal District, registered for the alleged offences punishable under Sections 318(4), 351(2) r/w 3(5) of Bharatiya Nyaya Sanhita (for short, 'BNS').

2. Heard Ms. P. Jayanthi, learned counsel for the petitioner and Sri Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent–State.

3. Without going into the merits of the case, since the punishment prescribed for the offence alleged against the petitioner is less than seven (07) years, this Court deems it appropriate to direct the petitioner to appear before the Investigating Officer on or before 20.12.2024 between 11:00 a.m. and 05:00 p.m. and in turn, the Investigating Officer is directed to follow the procedure laid down under Section 35 (3) of BNSS (previously section 41-A of Criminal Procedure Code) and also

the guidelines formulated by the Hon'ble Supreme Court of India in ***Arnesh Kumar v. State of Bihar***[1] scrupulously. However, the petitioner shall submit her defense and co-operate with the Investigating Officer as and when required by furnishing information and produce all relevant documents/material required for the purpose of the investigation and the Investigating Officer shall consider the same before filing appropriate report before the learned Magistrate concerned.

4. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, if any pending, shall also stand closed.

Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Addl. Judicial First Class Magistrate at Hanamkonda
2. The S.H.O.,, P.S. KUC, Warangal District
3. One CC to Sri Pagilla Jayanthi, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

[1] (2014) 8 SCC 273

HIGH COURT

DATED:10/12/2024



ORDER

CRLP.No.14982 of 2024

Disposing of the Criminal Petition

06/2/2025