

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

**TUESDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HON'BLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No: 4351 of 2025

Between:

Dr. Vishwa Shanthi, D/o Penumula Vishwanadham, Aged about 59 years, Occ:
Doctor, R/o 403, Hari Towers, H.No.2-4-36/1, Ramnagar, Hanmakonda,
Hanmakonda District. **...Petitioner/Accused No.2**

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the
State of Telangana Hyderabad.
2. Chakilam Prashanth, S/o Ram Mohan Rao, Aged about 47 years, Occ:
Business, R/o Raparathi Nagar, Khammam District, N/o Kothapet, Hyderabad.
...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 FIR. No. 55 of 2025, dated 01-02-2025 on the file of
Khammam - II Town Police Station, Khammam District for the offences under
Sections 308(5), 79, 351(3) of BNS, 2023.

I.A. NO: 1 OF 2025

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 including arrest of the petitioner in
FIR. No. 55 of 2025, dated- 01-02-2025 on the file of Khammam - II Town Police
Station, Khammam District for the offences under Sections 308(5), 79, 351(3) of
BNS, 2023, pending disposal of the above case.

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri Chalakani
Venkat Yadav, Advocate for the Petitioner and the Mr. Jithender Rao
Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and
None Appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.4351 of 2025

ORDER:

This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking quashment of the proceedings in FIR No.55 of 2025 of PS Khammam II-Town Police Station, Khammam District, against the petitioner/accused No.2.

2. Heard Chalakani Venkat Yadav, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. The petitioner is arrayed as accused No.2 in FIR No.55 of 2025 for the offences under Sections 308(5), 79, 351(3) of Bharatiya Nyaya Sanhita, 2023.

4. Learned counsel for the petitioner would submit that though the petitioner is determined to see the process through and the alleged offences are punishable with an imprisonment less than seven years, the Police concerned has not issued any notice under Section 35 (3) of BNSS, 2023, as such, the petitioner is apprehending coercive measures against her. He further submits as the petitioner is ready to

cooperate with the investigation prayed for necessary directions for issuance of notice as per law.

6. Learned Additional Public Prosecutor submits that the Police concerned are ready to issue notice under Section 35 (3) of BNSS, 2023.

7. I have perused the materials on record.

8. The allegations of extortion are not against the petitioner even as per the remand report and the confessional statement is yet to be recorded by the Police. However, having regard to the fact that the alleged offences are punishable with an imprisonment up to seven years and as the petitioner/accused No.2 is ready to engage herself in the process, without going into merits of the matter, keeping upon the prerogative of the investigation, the petitioner is directed to appear before the SHO, Khammam II Town Police Station, on 08.04.2025, whereupon, the Investigating Officer shall issue notice on the petitioner under Section 35 (3) of BNSS, 2023, in Crime No.55 of 2025 and take up further proceedings as per the guidelines of **Arnesh Kumar v. State of Bihar**¹ scrupulously. The petitioner may submit her explanation, whereupon, the investigating agency, considering the materials, will continue the investigation and determine the complicity

of the parties. In unison, petitioner is directed to cooperate with the investigation.

9. With this direction, this Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Judicial First Class Magistrate at Khammam.
2. The Station House Officer, Khammam 2 Town Police Station, Khammam District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri Chalakani Venkat Yadav, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:01/04/2025

ORDER

CRLP.No.4351 of 2025



**DISPOSING OF THE
CRIMINAL PETITION**

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03/04/25
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