

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

**WEDNESDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 5591 OF 2025

Between:

1. Tharalla Roja, W/o. Mandula Narayana @ Posham, Age. 44 years, Occ. Business , R/o. H No. 11-24, Dharmaram Village and Mandal, Peddapalli District, Telangana State.
2. Kothapalli Swamy, W/o. Rajaiah, Age. 43 years, Occ. Electrician, R/o. H No. 11-24, Dharmaram Village and Mandal, Peddapalli District, Telangana State.
3. Kothapalli Mahesh, S/o. Rajaiah, Age. 35 years, Occ. Pvt Employee, R/o. H No. 11-24, Dharmaram Village and Mandal, Peddapalli District, Telangana State.
4. Kothapalli Soujanya, W/o. Kothapalli Swamy, Age. 30 years, Occ. House Wife, R/o. H No. 11-24, Dharmaram Village and Mandal, Peddapalli District, Telangana State.

...PETITIONERS/A-1 TO A-4

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High court, At Hyderabad.

RESPONDENTS/COMPLAINANT

2. Vemula Laxmi, W/o. Late. Thirupathi, Age. 45 years, Caste. Padmasali, Occ. House wife, R/o. Mandamarri Village and Mandal, Mancherla District, Telangana State.

...RESPONDENT/DEFACTO-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 against the Petitioners in Crime No. 107/2025 of Mandamarri Police Station, Mancherla District, Telangana State.

I.A. NO: 2 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 all further proceedings against the Petitioner including arrest of the Petitioner in Crime No. 107/2025 of Mandamarri Police Station, Mancherial District, Telangana State, pending disposal of the quash 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 Dr Challa Srinivasa Reddy, Advocate for the Petitioner and Ms. B. Shalini Saxena, learned Assistant 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.5591 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 Crime No.107 of 2025 of Mandamarri Police Station, Mancherial District, against the petitioners.

2. The petitioners are arraigned as accused Nos.1 to 4 in Crime No.107 of 2025 registered for the offences punishable under Sections 318(4) r/w 3(5) of BNS, 2023.

3. Heard Dr. Challa Srinivas Reddy, learned counsel for the petitioners and Ms.B. Shalini Saxena, learned Assistant Public Prosecutor appearing for the respondent No.1-State.

4. Learned counsel for the petitioners would submit that though the petitioners are determined to see the process through and the alleged offences are punishable with an imprisonment below seven years, the Police concerned have not issued notice under Section 35(3) of BNSS, 2023, as such they are apprehending coercive measures against them. He further submits that the petitioners are ready to cooperate with the investigation, hence prayed for necessary directions for issuance of notice as per law.

5. Learned Assistant Public Prosecutor opposed the petition.

6. I have perused the materials on record.

7. Having regard to the fact that the alleged offences are punishable with an imprisonment below seven years and as the petitioners are ready to engage themselves in the process, the petitioners are directed to appear before the SHO, Mandamarri Police Station by 30.04.2025, whereupon, the Investigating Officer shall issue notice on the petitioners under Section 35(3) of BNSS, 2023 in Crime No.107 of 2025 and take up further proceedings as per the guidelines of *Arnesh Kumar v. State of Bihar*¹ scrupulously. In unison the petitioners are directed to cooperate with the investigation.

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

Pending miscellaneous applications, if any, shall stand closed.

SD/- N. SRIHARI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Mandamari Police Station, Ramagundam District.
2. One CC to Sri. Dr Challa Srinivasa Reddy, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies

Swt/gh

¹ (2014) 8 SCC 273

HIGH COURT

DATED: 23/04/2025

ORDER

CRLP.No.5591 of 2025



CRIMINAL PETITION IS DISPOSED OFF

(7m.1)
17/6/25