IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 15712 OF 2025

Between:

1. Vinod Parbhanna Aspatwar, S/o. Aspatwar Parbanna,
   Aged about 57 years, Occ. Agriculture and Ex-Sarpanch,
2. Anil Aspatwar, S/o Vinod Parbhanna Aspatwar, Aged about 34 years,
   Occ: Manager of Home Care International, Both are R/o. H.No.1-39,
   Jukkal Village and Mandal, Kamareddy District.

...PETITIONER/ACCUSED NO.2 & 3

AND

1. The State of Telangana, Rep by its Public prosecutor,
   High Court At Hyderabad
2. Mukta Ashok Aspatwar, W/o. Ashok Parbanna Aspatwar,
   Aged about 50 years, Occ: Teacher, R/o. H.No.1-2/ 1,
   Pedda Edgi Village, Jukkal Mandal, Kamareddy District.

...RESPONDENTS/COMPLAINANT

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 Crime (FIR) No.127/2025 dated 04.11.2025 pending on the file of PS-Jukkal against the Petitioners/Accused No.2 & A-3 in the interest of justice.

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 of all further proceedings including arrest of the petitioners/A-2 & A-3 in FIR (Crime) No.127/2025 dated 04.11.2025 on the file of PS-Jukkal, pending disposal of the criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri USAKOYEELA CHANDRASHEKAR, Advocate for the Petitioner and Sri 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 HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.15712 of 2025

ORDER:

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners/accused Nos.2 and 3 seeking to quash the proceedings against them in Crime No.127 of 2025 on the file of Jukkal Police Station, Kamareddy District, registered for the alleged offences punishable under Sections 329 (3), 318 (4), 336 (3) and 351 (2) r/w. 3 (5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr.U.Chandrashekar, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1.

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 BNSS (Previously Section 41-A of Cr.P.C.).

4. Learned Additional Public Prosecutor has not disputed the same.

5. Considering the submissions of both the counsel and on perusal of the material available on record, it is seen that the allegations are under Sections 329 (3), 318 (4) 336 (3) and 351 (2) r/w. 3 (5) of BNS and the punishment prescribed for the said offences alleged against the petitioners is less than seven (07) years. Hence, without going into the merits of the case, this Court deems it appropriate to direct the petitioners to appear before the Investigating Officer on or before 19.12.2025 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 the BNSS (previously section 41-A of Criminal Procedure Code, 1973) and also the guidelines formulated by the Hon'ble Supreme Court of India in ***Arnesh Kumar v. State of Bihar***[1] scrupulously. However, the petitioners shall submit their 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

[1] (2014) 8 SCC 273

and the Investigating Officer shall consider the same and shall complete the investigation strictly in accordance with law.

6. With the above said observations, this Criminal Petition is disposed of.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

Sd/- U. SUDHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Bichkunda.
2. The Station House Officer, Jukkal Police Station, Kamareddy District.
3. One CC to SRI USAKOYEELA CHANDRASHEKAR, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies.

PA

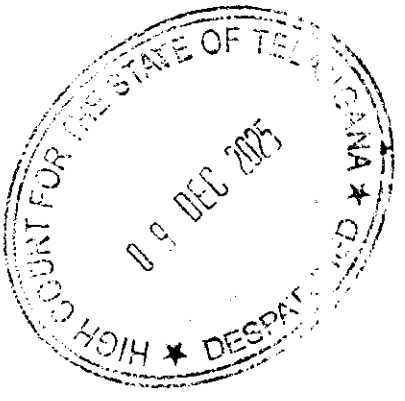
HIGH COURT

ETDJ

DATED:28/11/2025

ORDER

CRLP.No.15712 of 2025



DISPOSING OF THE CRIMINAL PETITION.

(8) PA 9/12/25