IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY,THE NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16292 OF 2025

Between:

Gonepalli Sandeep Kumar, S/o Anjaiah Aged about. 31 Yrs, Occ. Government Servant R/o H.No.11-21-345, NTR Nagar, Opp. White House, Chinthalakunta, L.B.Nagar Hyderabad

...PETITIONER/A-1

AND

1. The State of Telanana, rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad
2. Gonepalli Vidya, W/o Sandeep Kumar Aged about. 30 Yrs, Occ. Housewife R/o H.No.3-64, Samudralingapur Village, Gambhiraopet Mandal, Rajanna Sircilla District, Telangana State

...RESPONDENTS/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 quash the in C.C.No.350 of 2025 on the file of Honble Judicial Magistrate of First Class at Sircilla against the petitioner/A-1.

I.A. NO: 2 OF 2025

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 stay all further proceedings including personal appearance of the petitioner/A-1 in C.C.No.350 of 2025 on the file of Hon'ble Judicial Magistrate of First Class at Siricilla, pending disposal of the above Criminal Petition, and proper in the interests of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MOHD AMJAD ALI ANSARI ,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.2.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.16292 of 2025

Date: 09.12.2025

Between:

Gonepalli Sandeep Kumar.

...**Petitioner**

AND

The State of Telangana,
Represented by its Public Prosecutor,
High Court of Telangana,
Hyderabad and another.

..**Respondents**

ORDER

This criminal petition has been filed seeking to quash the proceedings in C.C. No. 350 of 2025 on the file of the learned Judicial Magistrate of the First Class at Sircilla, wherein the petitioner was arrayed as accused No. 1 for the offences punishable under Section 85 of the Bharatiya Nyaya Sanhita Act, 2023 (for short, "BNS") and Section 4 of the Dowry Prohibition Act, 1961 (for short, "DP Act").

2. Heard Mr.Mohd. Amjad Ali Ansari, learned counsel for the petitioner and Mr.V.Jithender Rao, learned Additional Public Prosecutor appearing on behalf of respondent No.1/State.

3. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offences and has been falsely implicated in the present crime. Even according to the allegations made in the complaint and the final report, the respondent No. 2 / *de-facto* complainant has not made any specific allegations that the petitioner harassed her for additional dowry. Hence, the ingredients of the offences under Section 85 of the BNS and Section 4 of the DP Act are not attracted.

4. He further submitted that the petitioner had earlier approached this Court by filing Crl.P. No. 10219 of 2025 seeking to quash the proceedings, and this Court disposed of the said criminal petition on 25.09.2025, declining to quash the entire proceedings. However, the presence of the petitioner was dispensed with. While disposing of the criminal petition, this Court further observed that L.W.4 and L.W.5 are elders of the panchayat. However, the said witnesses are not independent witnesses and are close relatives of the *de-facto* complainant. Therefore, the petitioner approached the Sarampally Gram Panchayat office and obtained a certificate certifying that he is the resident of the Sarampally Village and does not belongs to the village of the *de-facto*-complainant namely Samudralingapur Village. Hence, by

virtue of the changed circumstances and based on the said document, the petitioner is entitled for quashing of the proceedings.

5. He further submitted that respondent No. 2 voluntarily left the matrimonial home of the petitioner without any intimation, due to which the petitioner lodged a complaint, based on which Crime No. 754 of 2024 was registered on 07.07.2024 for a woman missing. Hence, the continuation of the proceedings against the petitioner is a clear abuse of process of law and is liable to be quashed.

6. *Per contra*, the learned Additional Public Prosecutor submitted that the petitioner had earlier approached this Court by filing Crl.P. No. 10219 of 2025 seeking quashing of the very same proceedings, and this Court was not inclined to quash the proceedings. However, while disposing of the said criminal petition, the presence of the petitioner before the trial Court was dispensed with, and the said order has attained finality. Even the grounds pleaded in the present criminal petition were available at the time of filing the earlier criminal petition, but were not raised then. Entertaining the present criminal petition would amount to reviewing the earlier order dated 25.09.2025 passed by this Court, which is barred under Section 362 of the Cr.P.C. This Court has no

power to modify or review the earlier order. Therefore, the present criminal petition is not maintainable under law.

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the petitioner had initially approached this Court by filing Crl.P. No.10219 of 2025 seeking quashing of the very same proceedings, and this Court was not inclined to quash the proceedings. However, while disposing of the said criminal petition, this Court dispensed with the presence of the petitioner before the trial Court.

8. Insofar as the contention of the learned counsel for the petitioner that this Court, in its order dated 25.09.2025, observed that L.W.4 and L.W.5 are not independent eyewitnesses but are close relatives and interested witnesses of the *de-facto* complainant, the petitioner is entitled to raise the same before the trial Court during the course of trial. Merely relying upon the certificate issued by the Panchayat Secretary of Sarampally Gram Panchayat, the petitioner is not entitled to seek quashing of the proceedings.

9. It is very much relevant to mention that if this Court pass any order in this case, it would amounts to modifying the earlier

order dated 25.09.2025 passed by this Court in Crl P.No.10219 of 2025, especially bar under Section 362 of the Cr.P.C

10. For the foregoing reasons, this Court does not find any ground to quash the proceedings in C.C.No.350 of 2025 on the file of the learned Judicial Magistrate of the First Class at Sircilla.

11. Accordingly, this criminal petition is dismissed.

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

Sd/- B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class at Sircilla.
2. The Station House Officer, Gambhiraopet Police Station,Rajanna Siricilla.
3. One CC to SRI MOHD AMJAD ALI ANSARI, Advocate [OPUC]
4. Two CCs to the PUBLIC PROSECUTOR, High Court for the state of Telangana at hyderabad [OUT]
5. Two CD Copies.

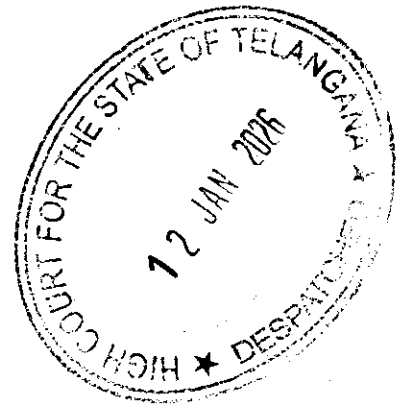
AR/kam

HIGH COURT

DATED:09/12/2025

ORDER

CRLP.No.16292 of 2025



DISMISSING THE CRL.P.

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ASM
12/1/26