IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE ELEVENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16491 OF 2025

Between:

1. Jagath Palli Ravinder Reddy, S/o Jagath Palli Narasimha Reddy, Age: 44 years, Occ: Private Employee (Clerk), R/o H.No. 1-20, Velgonda, Veepangandla Mandal, Wanaparthy District, Telangana.
2. Beeram Rekha, W/o Beeram Mahesh Sai Kumar Reddy, Age: 40 years, Occ: Business (Proprietor), R/o H.No. 5-51/1, Srinivasapuram, Wanaparthy District, Telangana

...PETITIONER/ACCUSED No.1 & 3

AND

1. The State of Telangana, Rep. by its Public Prosecutor, through The Station House Officer, Chinnambavi Police Station, Wanaparthy District, Rep by High Court for the State of Telangana, Hyderabad.
2. Sri A. Nagaraju, SI of Police, Chinnambavi Police Station, Wanaparthy District.

...RESPONDENT

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 Call for the records in F.I.R. No. 129 of 2025 dated 08.12.2025 on the file of the Police Station Chinnambavi, Wanaparthy District against the Petitioners/Accused No. 1 and 3 and Quash the same.

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 including the arrest of the Petitioners/Accused No. 1 & 3 in relation to Crime vide F.I.R. No. 129 of 2025 dated 08.12.2025 on the file of the Police Station Chinnambavi, Wanaparthy District, pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri

BHARGAVAKRISHNA.L, Advocate for the Petitioners and of Sri. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and none appeared for 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.16491 of 2025

Date: 11.12.2025

Between:

Jagath Palli Ravinder Reddy and another

...Petitioners

AND

The State of Telangana,
Rep. by its Public Prosecutor,
through The Station House Officer,
Chinnambavi Police Station,
Wanaparthy District,
High Court for the State of Telangana, Hyderabad and another.

...Respondents

Order

This Criminal Petition is filed seeking to quash the proceedings in FIR No.129 of 2025, on the file of the Chinnambavi Police Station, Wanaparthy District, wherein the petitioners were arrayed as accused Nos.1 and 3, for the offences punishable under Section 173 r/w. 3 (5) of the Bharatiya Nyaya Sanhitha, 2023 and Section 34 (a) of The Telangana Excise Act, 1968 (for short 'the Act').

2. Heard Mr.L.Bhargava Krishna, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1-State.

3. Learned counsel for the petitioners submitted that the petitioners have not committed the offences and they have been falsely implicated in the present crime. Even according to the allegations made in the complaint, the ingredients of the alleged offences levelled against the petitioners are punishable with an imprisonment of less than seven years. However, the Investigating Officer, without following the procedure contemplated under Section 41-A of Cr.P.C./Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), as well as the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***[1] proceeding with the matter and the same is contrary to law.

4. Learned Additional Public Prosecutor submitted that investigating officer will follow the procedure as contemplated under Section 35 (3) of BNSS as well as the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar's case (supra)***.

5. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the offences levelled against the petitioners are punishable with imprisonment of less than seven years. Hence, this Court is of the considered view that the Investigating Officer ought to

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[1] (2014) 8 SCC 273

have followed the procedure contemplated under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in ***Arnesh Kumar Vs. State of Bihar***[2].

6. Taking into consideration the facts and circumstances of the case and the submissions made by the respective parties, without expressing any view on the merits of the case, the petitioners/accused Nos.1 and 3 are directed to appear before the Investigating Officer, on or before 19.12.2025, and on such appearance, the Investigating Officer is entitled to issue notice under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS and follow the guidelines issued by the Apex Court in ***Arnesh Kumar*** supra.

7. It is made clear that the petitioners are entitled to submit reply/explanation along with the documents, which are available with him, to the Investigating Officer.

8. If the petitioners fails to appear before the Investigating Officer, within the stipulated time, the Investigating Officer is entitled to take action against them in accordance with law.

9. Subject to the above directions, the Criminal Petition is disposed of.

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[2](2014) 8 SCC 273

Miscellaneous applications, pending if any, shall stand closed.

SD/- K. MADHAVI
ASSISTANT REGISTRAR

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SECTION OFFICER

To

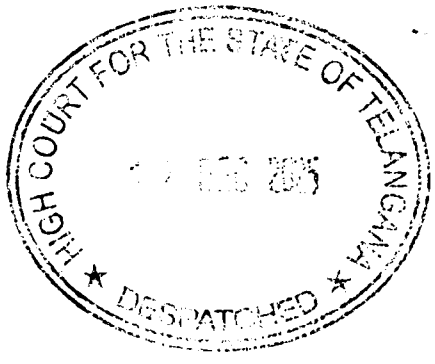
1. The II Additional Judicial First Class Magistrate at Wanaparthy.
2. The Station House Officer, Chinnambavi Police Station, Wanaparthy District.
3. Two CCs to the Public Prosecutor, High court for the state of Telangana, at Hyderabad [OUT]
4. One CC to SRI. BHARGAVAKRISHNA.L, Advocate [OPUC]
5. Two CD Copies

pr

HIGH COURT

JSR, J

DATED: 11/12/2025



ORDER

CRLP.No.16491 of 2025

DISPOSING OF THE CRL.PETITION

12/12/25