

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 17552 OF 2025

Between:

1. Rajesh Kumar, S/o. Baburao. Age about 43 Years, Occ: Journalist, R/o. H.No. 4-2-11/2, Mahankali Street, 11th Ward Narayanpet Town, Narayanpet District, T.S- 509210
2. Jangam Shankar, S/o. Jangam Siddalah, Aged about 54 Years, Occ: Journalists, R/o. H.No. 3-15-95, Subash Road, Narayanpet Town, Narayanpet District, T.S- 509210

...Petitioners/Accused No. 7 & 8

AND

1. The State of Telangana, Through its Public Prosecutor, High Court Building, High Court, Hyderabad.

...Respondent/Complainant

2. Sri. Chandar Naik, S/o. Ram Nayak, Aged about 55 Years, Occ: Asst. Engineer (Mechanical), R/o. Office of Depot Manager, Narayanpet Bus Stand, Hyderabad Road, Narayanpet, Narayanpet District, Telangana- 509210. Cell. 7382828622.

...Respondent No.2/Defacto - 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 proceedings against the Petitioners/ Accused No. 7 & 8 in Cr No. 323 of 2025 on the file of PS Narayanpet Town, Narayanpet District, Telangana for the offences under Sections 308, 351 (2), 132, 329 (4) R/w 3 (5) of Bharatiya Nyaya Sanhita, 2023 and Section 3 of The Prevention of Damage to Public Property Act, 1984 in the interest of justice and equity.

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 arrest in Crime No. 323 of

2025 on the file of P.S Narayanpet Town, Narayanpet District against the petitioners

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mahesh Kosgi ,Advocate for the Petitioners and Sri Jithender Rao Veeramalla, the Additional Public Prosecutor 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 HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.17552 of 2025

Date: 31.12.2025

Between:

Rajesh Kumar and another

...Petitioners/accused Nos.7 and 8

AND

The State of Telangana, Through its Public Prosecutor,
High Court Building, High Court, Hyderabad, and another

...Respondents

ORDER

This Criminal Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking to quash
the proceedings against the petitioners/accused Nos.7 and 8 in
FIR.No.323 of 2025, on the file of Narayanpet Town Police Station,
Narayanpet District, Telangana, registered for the offence
punishable under Sections 308, 351(2), 132, 329(4) r/w. 3(5) of
Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 3 of

Prevention of Damage to Public Property Act, 1984 (for short 'PDPP Act').

2. Heard Sri Mahesh Kosgi, learned counsel for the petitioners/accused Nos.7 and 8 as well as Sri Jithender Rao Veeramalla, the learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. Learned counsel for the petitioners have restricted his submission stating that a direction be issued to the Police to follow the procedure prescribed under Section 35 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

4. On the other hand, the learned Additional Public Prosecutor submitted that the punishment prescribed for the offences alleged against the petitioners is less than seven (07) years and has sought for directions to the Police to proceed with investigation by issuing notice under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

5. Perused the record. The allegations leveled against the petitioners pertain to the offence under Sections 308, 351(2), 132, 329(4) r/w. 3(5) of BNS and Section 3 of PDPP Act, which attracts

punishment of less than seven years. Hence, without going into the merits of the case, this Court deems it appropriate to direct the petitioners/accused Nos.7 and 8 to appear before the Investigating Officer on or before 28.01.2026 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/accused Nos.7 and 8 shall submit their defense and co-operate with the Investigating Officer as and when required by furnishing information and producing all relevant documents/material required for the purpose of investigation and the Investigating Officer shall consider the same and complete the investigation strictly in accordance with law. In case, the petitioners fail to appear before the Investigating Officer within the stipulated time, the Investigating Officer is at liberty to take necessary steps in accordance with law.

6. Accordingly the Criminal Petition is disposed of.

¹ (2014) 8 SCC 273

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

Sd/- P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, at Narayanpet
2. The Station House Officer, Narayanpet Police Station, Narayanpet.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to Sri Mahesh Kosgi, Advocate [OPUC]
5. Two CD Copies

kyr/Sa



HIGH COURT

DATED:31/12/2025



ORDER

CRLP.No.17552 of 2025

DISPOSING OF THE CRIMINAL PETITION

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kps
21/1/26