IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 4733 OF 2026

Between:

Donthineni Ashok Rao, S/o Yella Rao, Aged about 55 years, Occ. Agriculture, R/o. Sardapur Village, Sircilla Mandal, Rajanna Sircilla District, Telangana.

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.

...Respondent No.1

2. Gotte Devendra, W/o Anjaiah, Aged about 55 years, R/o. Ambedkarnagar, Sircilla, Rajanna Sircilla District, Telangana.

...De facto Complainant/ Respondent No.2

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 connected with FIR No. 172/2026 dated 28-03-2026 registered by P.S. Sircilla Town, Rajanna Sircilla District, for offences under Sections 296(b), 115(2) BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, and quash the proceedings against the Petitioner.

I.A. NO: 2 OF 2026

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 in FIR No. 172/2026 dated 28-03-2026 registered by P.S. Sircilla Town, Rajanna Sircilla District, including the arrest of the Petitioner/Accused, pending disposal of the present Quash Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. Mohan Chandrahas, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, learned 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 HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.4733 of 2026

Date: 09.04.2026

Between:

Donthineni Ashok Rao

...Petitioner/Accused

AND

The State of Telangana,
Rep. By Public Prosecutor,
High Court for the State
of Telangnana at Hyderabad and another.

...Respondents

Order:

This Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short 'the BNSS') by the petitioner/accused seeking to quash the proceedings in F.I.R.No.172 of 2026 of Sircilla Town Police Station, Rajanna Sircilla District wherein the petitioner was arrayed as sole accused for the offences punishable under Sections 296(b), 115(2) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'the BNS') and Sections 3(1) (r) (s) and 3(2) (Va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short. 'SC/ST POA Act').

2. Learned Additional Public Prosecutor submits that pursuant to the order dated 31.03.2026, the concerned SHO has served

notice to respondent No.2 on 30.03.2026, and placed a copy of the said intimation. Inspite of the said intimation, respondent No.2 has not chosen to enter appearance.

3. Heard Mr. K.Mohan Chandrahas, learned counsel for the petitioner and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for respondent No.1.

4. With their consent, the criminal petition is disposed of at the stage of admission.

5. Learned counsel for the petitioner vehemently submitted that the petitioner has not committed any offences and he has been falsely implicated in the present crime. The allegations levelled against the petitioner are purely civil in nature in respect of 20 guntas of land. Respondent No.2 filed the present criminal petition only to resolve the civil disputes by giving criminal colour. The petitioner did not abuse the respondent No.2 in the name of his caste. Even according to the allegations made in the complaint, the ingredients of the offences under Sections 296(b), 115(2) of the BNS and Sections 3(1) (r) (s) and 3(2) (Va) of the SC/ST POA Act are not attracted against the petitioner. Hence, continuation of the proceedings against the petitioner is a clear abuse of the process of law. He further submitted that the offences levelled against the petitioner are punishable with imprisonment less than seven years. However, the Investigating Officer, without following the mandatory

procedure prescribed under Section 35(3) of the BNSS, the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar[1],** the principles laid down by the Hon'ble Apex Court in **Md. Asfak Alam v. The State of Jharkhand & another** (Crl.A.No.2207 of 2023) dated 31.07.2023, and also the circular issued by this Court in ROC.No.1399/SO/2023 dated 09.08.2023, is proceeding with the investigation, which is contrary to law.

6. *Per contra*, the learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioner to attract the ingredients of the above said offences. However, the offences levelled against the petitioner are punishable with imprisonment less than seven years. The Investigating Officer has already issued a notice under Section 35(3) of the BNSS to petitioner/accused and the petitioner is entitled to submit his grievance/reply before the Investigating Officer along with relevant documents.

7. Learned counsel for the petitioner submitted that the petitioner may be permitted to submit his reply/explanation along with relevant documents to the Investigating Officer.

8. Having considered the rival submissions made by the respective parties and upon perusal of the material available on

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[1](2014) 8 SCC 273

record, it reveals that the offences leveled against petitioner/accused are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer has already issued notice under Section 35(3) of the BNSS to petitioner/accused. In view of the same, petitioner is entitled to submit his reply by raising all the pleas which are available to them and they are also entitled to submit the documents, which are in his custody. The Investigating Officer is further directed to scrupulously follow the procedure as contemplated under the provisions of the BNSS and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar*** *supra* and conclude the investigation. It is needless to mention that the petitioner shall cooperate with the investigation.

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

Miscellaneous applications, pending if any shall stand closed.

SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

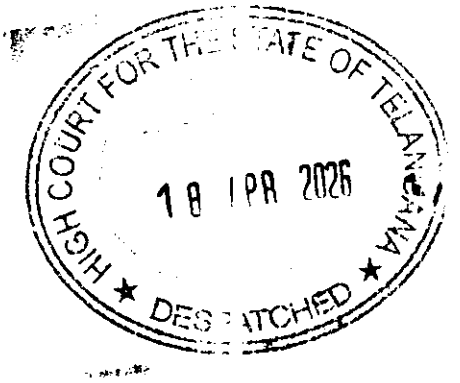
1. The Principal Judicial First Class Magistrate At Sircilla
2. The Station House Officer, Sircilla Town Police Station, Rajanna Sircilla District.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri K. Mohan Chandrahas, Advocate [OPUC]
5. Two CD Copies

GNK/PSL

cc Today

HIGH COURT

DATED: 09/04/2026



ORDER

CRLP.No.4733 of 2026

DISPOSING THE CRIMINAL PETITION

(8) Copies

BM

18/4