IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY SEVENTH DAY OF APRIL TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION No: 5110 of 2026

Between:

Chakali Krishna, S/o Yellappa, Aged about 50 yrs, Occ. Reporter, R/o. H.No 8-84, kummari Colony, Peddemul Vil and Mdl, Vikarabad Dist.

...Petitioner/Accused

AND

1. The State of Telangana.,, rep. by its Public Prosecutor, High Court of Judicature at Hyderabad for the P.S, Peddemul, Vikarabad
2. B.Bichi Reddy, S/o Chenna Reddy, Age about 57 Yrs, Occ. Business, R/o Gopalpur vil, Peddemul Mdl, Vikarabad Dist.

...Respondents/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 of the Petitioner/ Accused in Cr.No.80 of 2025 of PS Peddemul, Vikarabad, for the alleged offence U/sec 329(3), 324(4) R/w 3(5) BNS, as it is illegal, arbitrary, unjust and do not attract the ingredients of alleged offence.

I.A. NO: 1 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 grant Stay of all further proceedings of the petitioner /Accused in Cr. No 80 of 2025 of PS Peddemul, Vikarabad, for the alleged offence U/sec 329(3), 324(4) R/w 3(5) BNS, in the interest of justice.

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

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.5110 of 2026

Date: 27.04.2026

Between:
Chakali Krishna

...Petitioner

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.80 of 2025 of Peddemul, Vikarabad District, wherein the petitioner was arrayed as the sole accused for the offences punishable under Sections 329(3), 324(4) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Ms.Akula Sunitha, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

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

4. Learned counsel for the petitioner submits that the petitioner has not committed the alleged offences and has been falsely

implicated in the present case. The allegations levelled against the petitioner are purely civil in nature and pertain to agricultural land admeasuring Ac.1-20 guntas in Sy.No.14 of Thimsanpally Village, Peddemul Mandal, Vikarabad District. Respondent No.2 filed the present complaint to settle the pending civil disputes by giving criminal colour. She further submitted that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. The Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') and without following the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh Kumar Vs. State of Bihar***[1], is proceeding further in the matter and the same is contrary to law.

5. *Per contra*, learned Additional Public Prosecutor basing on the written instructions furnished by the Sub-Inspector of Police, Peddemul Police Station, Vikarabad District, submitted that there are specific allegations levelled against the petitioner to attract the offences under Sections 329(3), 324(4) r/w 3(5) of the BNS and the petitioner is not entitled to seek quashing of the proceedings at the

[1](2014) 8 SCC 273

threshold. When the Investigating Officer is trying to serve notice under Section 35(3) BNSS, the petitioner is not cooperating with the Investigating Officer.

6. By way of reply, learned counsel for the petitioner submitted that the petitioner will appear before the Investigating Officer to receive notice under Section 35(3) of BNSS and will submit reply to the said notice.

7. 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 petitioner are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer will follow the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in ***Arnesh Kumar*** (supra).

8. In view of the above, the petitioner is directed to appear before the Investigating Officer on or before 06.05.2026 and on such appearance, the Investigating Officer is directed to follow the procedure as contemplated under Section 35(3) of the BNSS and follow the guidelines issued by the Apex Court in ***Arnesh Kumar***

(supra). It is needless to mention that the petitioner is entitled to put forth his grievance to the said notice.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- MOHD.ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Peddemul Police Station, Vikarabad
2. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
3. One CC to Sri Sunitha Akula, Advocate [OPUC]
4. Two CD Copies

ABK/KA

HIGH COURT

DATED: 27/04/2026



ORDER

CRLP.No.5110 of 2026

DISPOSING OF THE CRIMINAL PETITION

7 NT 4/5/26.