IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 5427 OF 2026

Between:

1. Uday Kumar Appam, S/o Satyanarayana, aged about 32 years, Occ. Private Employee, R/o Flat No.410, LIG 24, Block, Chitrapuri Colony, Khajaguda, Hyderabad.
2. Vijayalakshmi Appam, W/o Satyanarayana, Aged about 47 years, Occ. Housewife, R/o H.No.8-143, Yellanki Village, Ramannapet Mandal, Yadadri-Bhongiri District

...Petitioners/Accused 1 & 2

AND

1. The State of Telangana,, Rep by its Public Prosecutor, Through WPS West Zone (Hyderabad) Police Station, High Court of Telangana State, Hyderabad.
2. Smt. Kongari Swetha,, W/o Appam Uday Kumar, aged about 31 years, Occ. Doctor, R/o H.No.8-3-228/366/1, Rahmath Nagar, Yousufguda, Borabanda, Hyderabad District.

...Respondent/De-facto Complainant

Petition under Section 482 of Cr.P.C or under section 528 of B.N.S.S. of praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased topleased to quash the Proceedings in F.I.R.No.43 of 2026 on the file of the WPS West Zone (Hyderabad), dt.30.03.2026 in the interest of justice.

I.A. NO: 2 OF 2026

Petition under Section 482 of Cr.P.C or 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 grant stay of all further Proceedings in F.I.R.No.43 of 2026 on the file of the WPS West Zone (Hyderabad), dt 30.03.2026 pending disposal of the main petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Ms.Satya Gayathri, counsel representing Sri Rapolu Bhaskar, Advocate for the Petitioners and Sri Jitender 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.5427 of 2026

Date: 13.04.2026

Between:

Uday Kumar Appam and another

...Petitioners/Accused Nos.1 and 2

AND

The State of Telangana, Rep by its Public Prosecutor,
Through WPS West Zone (Hyderabad) Police Station,
High Court of Telangana State, 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 petitioners/accused Nos.1 and 2 seeking to quash the proceedings in F.I.R.No.43 of 2026 of WPS West Zone (Hyderabad) Police Station, registered for the offences punishable under Sections 85, 316(2) and 351 (2) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'the BNS') and Sections 3, 4 and 6 of the Dowry Prohibition Act, 1961 (for short 'DP Act').

2. Heard Ms. Satya Gayathri, learned counsel representing Mr. Rapolu Bhaskar, learned counsel for the petitioners, and

Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for respondent No.1.

3. Learned counsel for the petitioners submitted that the petitioners have not committed any offences and they have been falsely implicated in the present crime. Respondent No.2 voluntarily left the matrimonial home of petitioner accused No.1 and filed the present complaint by making omnibus allegations against the petitioners. Even according to the allegations made in the complaint, the ingredients for the offences under Sections 85, 316(2) and 351 (2) of the BNS and Sections 3, 4 and 6 of the DP Act are not attracted against the petitioners. The offences leveled against the petitioners are punishable with imprisonment up to 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.

---

[1](2014) 8 SCC 273

Hence, the continuation of proceedings against the petitioners is a clear abuse of process of law.

4. *Per contra,* the learned Additional Public Prosecutor, basing upon the written instructions dated 10.04.2026 furnished by the Sub-Inspector of Police, WPS Jubilee Hills Zone, Hyderabad, submitted that the Investigating Officer issued notice under Section 35(3) of the BNSS to petitioners/accused Nos.1 and 2 on 01.04.2026 and they are entitled to submit their reply to the said notice by raising pleas available to them. Petitioners/accused Nos.1 and 2, without submitting their reply to the said notice, have straight away approached this Court and filed the present Criminal Petition. Moreover, there are specific allegations leveled against the petitioners. Whether the petitioners have committed the offence or not, has to be revealed during the course of investigation, especially when the investigation is under progress.

5. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the offences leveled against petitioners/accused Nos.1 and 2 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

petitioners/accused Nos.1 and 2 on 01.04.2026. In view of the same, petitioners/accused Nos.1 and 2 are entitled to submit their reply by raising all the pleas which are available to them and they are also entitled to submit the documents, which are in their 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.

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

Miscellaneous applications, pending if any shall stand closed.

SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIII Additional Chief Judicial Magistrate, at Nampally Hyderabad.
2. The Station House Officer WPS West Zone (Hyderabad Police Station, High Court of Telangana State, Hyderabad.
3. One CC to Sri Rapolu Bhaskar, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

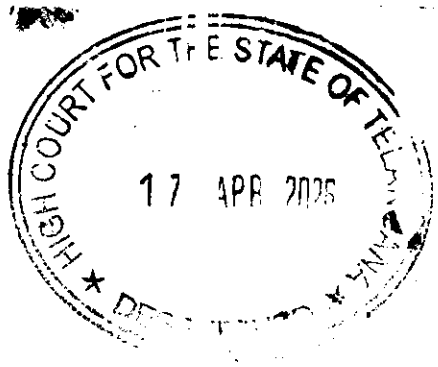
Ba/PSL

HIGH COURT

DATED: 13/04/2026

ORDER

CRLP.No.5427 of 2026



DISPOSING OF THE CRIMINAL PETITION

(8)

kpr

17/4/26