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: 5462 OF 2026

Between:

Rapolu Srinivas, S/o Ilaiah, Age . 34 years, Occu. Cooli, R/o.Reddy Nayak Colony, Mahabubabad.

...Petitioner/Accused No.1

AND

1. The State of Telangana, Rep by Public Prosecutor, High Court of Telangana, Hyderabad.
2. Sharath Babu Nallapu, S/o.Swamy, Age 36 years, Occu. Business R/o.Khila Warangal, Kareemabad, Warangal, Warangal District.

...Respondents

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 in the Crime No.434 of 2025, Dated. 28-10-2025, on the file of the Inthizargunz Police Station, District Warangal, Telangana State.

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 the proceedings in the Crime No.434 of 2025, Dated. 28-10-2025, on the file of the Inthizargunz Police Station, District Warangal, Telangana State.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Ganesh Vaddepally, Counsel representing Sri Sharat Chandra A , Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of 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.5462 of 2026

Date: 13.04.2026

Between:
Rapolu Srinivas

...Petitioner

AND

The State of Telangana,
Represented by its Public Prosecutor,
High Court of Telangana and another

...Respondents

ORDER

This Criminal Petition is filed seeking to quash the proceedings in Crime No.434 of 2025 of Inthizargunz Police Station, Warangal, wherein, the petitioner was arrayed as accused No.1, for the offences punishable under sections 318(4) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Mr. Ganesh Vaddepally, learned counsel representing Mr. A.Sharat Chandra, learned counsel for the petitioner and Mr.V.Jithendar Rao, learned Additional Public Prosecutor for respondent No.2.

3. Learned counsel for the petitioner submitted that the petitioner has not committed the any offence and has been falsely implicated in the present case. Even according to the allegations

made in the complaint, the ingredients of the offences under Sections 318 (4) of BNS are not attracted against the petitioner. He further submitted that the allegations levelled against the petitioner are purely civil in nature in respect of monetary transactions. Respondent No.2 ought to have approached competent Civil Court and filed suit for recovery of the alleged amount, if any. On the other hand, he filed the present complaint by giving criminal colour. He 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], 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 09.08.2023is proceeding further in the matter and the same is contrary to law.

[1](2014) 8 SCC 273

4. *Per contra,* the learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioner to attract the ingredients of the alleged offence that the respondent No.2 transferred the amount by way of Phone Pay and that the petitioner received the amount by giving false promise. Respondent No.2 paid the said amount through Phone Pay and the ingredients under Section 318(4) of BNS is not attracted. However, the Investigating Officer, will follow the mandatory procedure prescribed under Section 35(3) of the BNSS/41(A) of the Cr.P.C, the guidelines issued by the Apex Court in ***Arnesh Kumar*** (supra), the principles laid down by the Hon'ble Apex Court in ***Md. Asfak Alam*** (supra), and also the circular issued by this Court in ROC.No.1399/SO/2023 dated 09.08.2023.

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 petitioner are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer wants to follow the procedure prescribed under Section 35(3) of the BNSS, and the guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra) and ***Md. Asfak***

Alam (supra). In view of the same, petitioner is entitled to submit his reply by putting forth his grievances by raising all the pleas which are available to him by enclosing all relevant documents which are in his possession. The Investigating Officer is further directed to scrupulously follow the due procedure in respect of petitioner/accused No.1 and also 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. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- B.REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

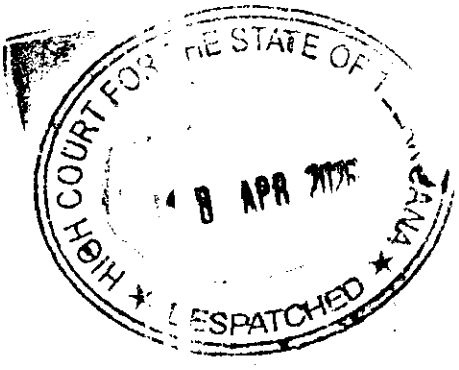
To,

1. The I Additional Judicial First Class Magistrate at Warangal
2. The Station House Officer, Inthizargunz Police Station, District Warangal, Telangana State.
3. One CC to SRI. SHARAT CHANDRA .A, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

ADK/PSL

HIGH COURT

DATED: 13/04/2026



ORDER

CRLP.No.5462 of 2026

DISPOSING OF THE CRLP

(8) NT
18/4/26.