IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 5633 OF 2026

Between:

Srinivas Badhe @ Bade Srinivas S/o Nimmalaiah, Aged about 41 years, Occ Pvt Employee, R/o 16-27, Shivalayam Veedhi, Narsapur, Medak

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Through Public Prosecutor, High Court for the State of Telangana At Hyderabad Through PS Suryapet II Town
2. Sunkaiah Kandela s/o Gopaiah, Aged about 46 years, Occ Pvt. Employee, R/o 3-12-12/5/1, Seetharampuram, Suryapet.

...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 FIR No.436/2025 of P.S. Suryapet II Town, Suryapet, under Sections 318(4), 335, 336 (3) BNS as the same is untenable either on facts or under law.

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 pursuant to FIR No.436/2025 of P.S. Suryapet II Town, Suryapet, under Sections 318(4), 335, 336 (3) BNS including arrest of Petitioner/Accused pending disposal of the main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G. Hemanth representing Sri Sardar Ramavath, Advocate for the Petitioner, Sri Jithender Rao Veeramalla. Additional Public Prosecutor on behalf of the Respondent No. 1.

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.5633 of 2026

Date: 16.04.2026

Between:

Srinivas Badhe @ Bade Srinivas

...Petitioner

AND

The State of Telangana,
through Public Prosecutor,
High Court for the State of Telangana at Hyderabad,
Through PS Suryapet II Town and another.

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.436 of 2025 of Suryapet II Town Police Station, Suryapet, wherein the petitioner was arrayed as accused for the offences punishable under Sections 318(4) 335, and 336(3) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'

2. With the consent of both the learned counsel, the criminal petition is disposed of at the stage of admission.

3. Heard Mr. G. Hemanth, learned counsel representing Mr. Sardar Ramavath, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and has been falsely implicated in the present case. He further submitted that the allegations levelled against the petitioner are purely civil in nature. Instead of approaching competent Civil Court, respondent No.2 has filed the present private complaint by giving criminal colour. The learned Magistrate without properly considering the contentions of the complaint filed by respondent No.2, referred the matter to the police for investigation especially when the ingredients of the offences punishable under Sections 318(4), 335, and 336(3) of the BNS are not attracted. 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

[1](2014) 8 SCC 273

in ROC.No.1399/SO/2023 dated 09.08.2023, is proceeding further in the matter and the same is contrary to law.

5. *Per contra*, learned Additional Public Prosecutor, basing upon the written instructions furnished by the Investigating Officer dated 15.04.2026, submitted that the Investigating Officer had already issued notice under Section 35(3) of the BNSS to the petitioner on 08.04.2026 and the petitioner is entitled to submit his reply/explanation to the said notice. However, without submitting the same, he has straightaway approached this Court and filed the present petition, which is not maintainable under law.

6. Learned counsel for the petitioner by way of reply submitted that the petitioner may be permitted to submit his reply to the notice under Section 35(3) of the BNSS.

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 prosecution, the Investigating Officer had already issued notice under Section 35(3) BNSS to the petitioner.

8. In view of the same, the petitioner is entitled to submit reply/explanation by raising all the pleas which are available to

him and he is also entitled to submit the documents, if any, which are in his custody, to the Investigating Officer.

9. Accordingly, 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 Principal Judicial First Class Magistrate Court at Suryapet
2. The Station House Officer, Suryapet II Town Police Station, Suryapet
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Sardar Ramavath, Advocate [OPUC]
5. Two CD Copies

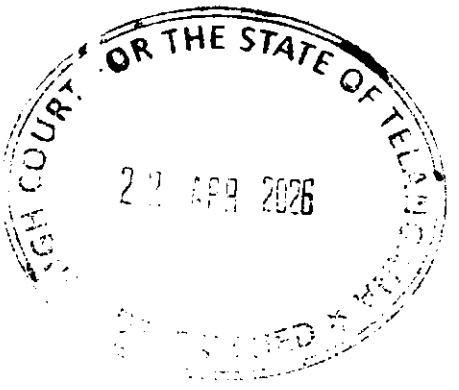
VH/KA

HIGH COURT

DATED: 16/04/2026

ORDER

CRLP.No.5633 of 2026



DISPOSING OF THE

CRIMINAL PETITION

(8) NT
22/4/26.