IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION NO: 5910 OF 2026

Between:

Sri L. Vittal Reddy, S/o. Sri Narasimha Reddy, aged about 65 years, Occ: Agriculture R/o.H.No.1-7, Gowrelli Village old Hayathnagar mandal, present Abdullapurmet mandal Ranga Reddy district.

...Petitioner/Accused

AND

1. State of Telangana, represented by Public Prosecutor High Court, Hyderabad.

...Respondent/State

2. Sri Kura Anand, S/o. Sri Kuna Bikshapathi, aged about 40 years, Occ: Business R/o. H.No.3-90/A, Gowrelli Village Abdullapurmet mandal, Ranga Reddy District.

...Respondent/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 in Crime No.628/2025 on the file of Nagole Police Station, Ranga Reddy district, against the petitioner herein as sole accused for the alleged offences punishable under Sections 329(3) and 351(2) of Bharatiya Nyaya Sanhita, 2023, as illegal, violative of law and procedure, against the settled principles of law supported by judicial precedents, in the interest of justice.

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 including arrest of the petitioner/accused in Crime No.628/2025 on the file of Nagole Police Station, Ranga Reddy district, pending disposal of this Criminal Petition, 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 Mr. Sardar Jasbeer Singh, Advocate for the Petitioner and Mr. 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.5910 of 2026

Date: 20.04.2026

Between:

Sri L.Vittal Reddy

...Petitioner

AND

State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in FIR No.628 of 2025 of Nagole Police Station, Ranga Reddy District, wherein the petitioner was arrayed as accused, for the offences punishable under Sections 329(3) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr.Sardar Jasbeer Singh, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for the respondent No.1 – State.

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

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and has been falsely implicated in the present crime. The allegations levelled against the petitioner are purely civil in nature and the ingredients of Sections 329(3) and 351(2) of the BNS are not attracted against the petitioner. He further submitted that the petitioner has filed a suit in O.S.No.62 of 2026 on the file of the XI Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar, against respondent No.2 and two others, seeking perpetual injunction. The learned trial Court, by order dated 06.03.2026, granted an ad-interim injunction in I.A.No.179 of 2026, restraining the respondents/defendants therein from interfering with the suit schedule property. He also submitted that the petitioner approached this Court by filing W.P.No.10651 of 2026, questioning the inaction of the respondent authorities on the complaint lodged by him against respondent No.2. This Court, by order dated 08.04.2026, directed the learned Assistant Government Pleader for Home to obtain instructions, particularly observing that when civil disputes are pending between the petitioner and respondent No.2, the registration of Crime No.622 of 2025 by the Station House Officer requires clarification. The said writ petition is pending. Hence, the continuation of criminal proceedings against the petitioner is a clear abuse of process of law.

4.1. He further submitted that the offences levelled against the petitioner are punishable with imprisonment for a term 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"), as well as the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar***[1], is proceeding with the matter, which is contrary to law.

5. *Per contra*, the learned Additional Public Prosecutor basing upon the instructions furnished by the concerned officer submits that the Investigating Officer had already issued notice under Section 35(3) of the BNSS to the petitioner on 19.09.2025 and the petitioner without submitting reply/explanation to the said notice straightaway approached this Court and filed the present criminal petition and the same is not maintainable under law.

6. By way of reply, learned counsel for the petitioner, petitioner has not received notice under Section 35(3) of the BNSS. He further submitted that the petitioner will appear before the Investigating Officer, cooperate with the investigation, and submit his reply/explanation along with relevant documents.

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[1] (2014) 8 SCC 273

7. Having considered the rival submissions made by the respective parties and upon 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 had already issued notice under Section 35(3) of the BNSS to the petitioner on 19.09.2025. The same was disputed by the learned counsel for the petitioner.

8. In view of the same, the petitioner/accused is directed to appear before the Investigating Officer, on or before 30.04.2026, and on such appearance, the Investigating Officer is entitled to issue notice under Section 35(3) of the BNSS, if not already issued, and follow the guidelines issued by the Apex Court in ***Arnesh Kumar*** supra. The petitioner is entitled to submit reply/explanation along with the documents, which are available with him to the Investigating Officer. The Investigating Officer is entitled to strictly follow the procedure contemplated under Section 35(3) of the BNSS, as well as the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra).

9. Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- L.VIJAYA LAXMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

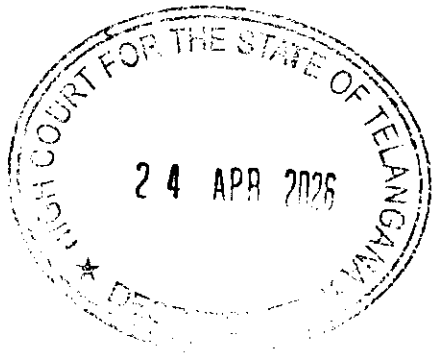
To,

1. The I Additional Junior Civil Judge cum I Additional Judicial Magistrate of First Class, Ranga Reddy District at LB Nagar.
2. The Station House Officer, Nagole Police Station, Rachakonda District.
3. One CC to Mr. Sardar Jasbeer Singh, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
5. Sri Kura Anand, S/o. Sri Kuna Bikshapathi, R/o. H.No.3-90/A, Gowrelli Village Abdullapurmet mandal, Ranga Reddy District.**(BY SPAD)**
6. Two CD copies

KAM/BA

HIGH COURT

DATED: 20/04/2026



ORDER

CRLP.No.5910 of 2026

DISPOSING OF THE CRIMINAL PETITION

9 copies
by
24/4/26