IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 5930 OF 2026

Between:

1. Kariyavula Mahesh, S/o Late Venkaiah Aged About 45 Years, Occ Pvt Employee R/o Brigade Citadel, Flat No. D-509, Desmond Block, Survey No.78 and 79, Meter Factory, Ashok Marg, Sultan Bagh, Motinagar, Medchal Malkajgiri District, Telangana State-500018.
2. Kariyavula Kalyani, W/o Kariyavula Mahesh, Aged About 36Years, Occ R/o Brigade Citadel, Flat No. D-509. Desmond Block, Survey No.78 and 79, Meter Factory, Ashok Marg, Sultan Bagh, Motinagar, Medchal Malkajgiri District, Telangana State-500018.

...Petitioner/Accused No.1 & 2

AND

1. The state of Telangana, , Rep by its Public Prosecutor. High Court for the State of Telangana Hyderabad
2. Naredla Shirisha, W/o Raghavendra Aged about 42 years Occ: Employee in Deloitte, R/o Brigade Citadel Flat No A2 1127 Austin Block Meter Factory Ashok Marg Sultan Bagh Motinagar Medchal Malkajgiri District Telangana State 500018.

...Respondent/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 as against the petitioners/accused No.1 and 2 in FIR No. 32,2026. dated 19/01/2026, on the file of the Sanathnagar P.S Cyberabad for the offences under Section 75 and 79 of BNS.

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 as against the petitioners/accused No.1 &2 in FIR No. 32 of 2026. dated 19/01/2026, on the file of the Sanathnagar P.S Cyberabad for the Offences under Section 75 & 79 of BNS, pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri A Samir Kumar Reddy, Advocate for the Petitioners 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.5930 of 2026

Date: 20.04.2026

Between:

Kariyavula Mahesh and another

...Petitioners/accused Nos.1 and 2

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in F.I.R.No.32 of 2026 of P.S. Sanathnagar, Cyberabad, wherein the petitioners were arrayed as accused Nos.1 and 2, for the offences punishable under Sections 79 and 75 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr. A. Samir Kumar Reddy, learned counsel for the petitioners and Mr. Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. Learned counsel for the petitioners submitted that the petitioners have not committed the alleged offences and that they have been falsely implicated in the present case. Even according to the allegations made in

the complaint, the ingredients of the offences under Sections 79 and 75 of BNS are not attracted against the petitioners. He further submitted that the offences levelled against the petitioners 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'), 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. Hence, the continuation of the proceedings against the petitioners is a clear abuse of process of law.

4. *Per contra,* the learned Additional Public Prosecutor submitted that there are specific allegations leveled against the petitioners. He further submitted that basing upon the written instructions dated 20.04.2026 furnished by the Sub-Inspector of Police, Sanathnagar Police Station, Hyderabad City, the Investigating Officer after concluding the investigation filed final report on 16.03.2026 *vide* S.R.No.1535/2026 before the XII Additional Metropolitan Magistrate at Kukatpally, and the C.C. number is awaited. He further submitted that the Investigating Officer has already served notice under Section 35(3) of BNSS to the petitioner No.1/accused No.1 on 16.03.2026 and he is trying to serve the

[1] (2014) 8 SCC 273

notice under Section 35(3) of BNSS to the petitioner No.2/accused No.2, but he is not coming forward to the Police Station to receive the same. He further submitted that the Investigating Officer will 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 requested this Court to direct the petitioners to cooperate with the investigation.

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 petitioners are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer after concluding the investigation filed final report on 16.03.2026 *vide* S.R.No.1535/2026 before XII Additional Metropolitan Magistrate at Kukatpally, against accused No.1 and the C.C. number is awaited. Insofar as accused No.2 is concerned, the Investigating Officer wants to follow the procedure as contemplated under Section 35(3) of the BNSS, as well as the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra).

6. Hence, the Investigating Officer is directed to follow the due procedure as prescribed under the provisions of the BNSS and the

guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra) insofar as petitioner No.2/accused No.2. It is needless to mention that petitioner No.2/accused No.2 is entitled to put forth his grievance before the Investigating Officer and to submit the documents, which are in his custody. Insofar as petitioner No.1/accused No.1 is concerned, he is granted liberty to avail the remedies as available under law whenever the cause arises.

7. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XII Additional Metropolitan Magistrate at Kukatpally Cyberabad
2. The Station House Officer, Sanathnagar Police Station, Cyberabad
3. One CC to SRI. A SAMIR KUMAR REDDY, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

ADK/KA

HIGH COURT

DATED: 20/04/2026



ORDER

CRLP.No.5930 of 2026

DISPOSING OF THE CRLP

SMT
24/4/26