IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6648 OF 2026

Between:

1. Kasoju Sharath Chandra, s/o Madhana Chary, aged. 35 years, Occu. Unemploye, R/o H.No.20, Eshwaraiah Enclave, Phase I, Dammaiguda, Nagaram, Keesarra Mandal, Medchal Malkajgiri District.
2. Kasoju Madhana Chary, s/o Buchaiah, aged. 63 years, Occu. Retd. Employee, R/o 20 Eshwaraiah Enclave, Phase I, Dammaiguda, Nagaram, Keesarra Mandal, Medchal Malkajgiri District.
3. Kasoju Parimala, w/o Madhana chary, aged. 56 years, Occu. Govt. Teacher, R/o 20, Eshwaraiah Enclave, Phase I, Dammaiguda, Nagaram, Keesarra Mandal, Medchal Malkajgiri District

...Petitioners/Accused No.1 to A3

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High court buildings, High court, Hyderabad.

...Respondent

2. Kasoju Mounika, w/o Sharath Chandra, aged. 33 years, Occu. Bank employee, r/o Road No.2, Green Hills Colony, Kothapet, Ranga Reddy District.

...Respondent/De-facto 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 call for the records and after examining the same to quash the FIR No. 75 of 2026 dt. 3-4¬2026 on the file of WPS, Saroornagar, Malkajgiri registered under Sec. 85 of BNS and Sec. 3 and 4 of D.P Act. and quash the same in respect of the petitioners who are arrayed as Al to A3, herein to prevent abuse of process of Law and securing ends 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 in FIR No. 75 of 2026 dt. 3-4-2026 on the file of WPS, Saroornagar, Malkajgiri registered under Sec. 85 of BNS and Sec. 3 and 4 of D.P Act. respect of the petitioner who is arrayed as A1 to A3, including the appearance of the petitioners before the Police, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Rajeshwar Rao Garige, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, learned 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.6648 of 2026

Date 28.04.2026

Between:
Kasoju Sharath Chandra and two others

...Petitioners/accused Nos.1 to 3

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.75 of 2026 of Saroornagar WPS (Malkajgiri), Malkajgiri District, wherein the petitioners were arrayed as accused Nos.1 to 3 for the offence punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard Mr. Rajeshwar Rao Garige, learned counsel for the petitioners and Mr.Jithender 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 offence and have been falsely implicated in the present case. The petitioners never harassed

respondent No.2 for additional dowry. Hence the ingredients of the offence under Section 85 of the BNS and Sections 3 and 4 of the DP Act does not attract against the petitioners. He further submitted that respondent No.2 voluntarily left the matrimonial house of petitioner No.1 on 15.09.2024 and since then respondent No.2 is not coming forward to join the company of petitioner No.1. Petitioner No.1 got issued legal notice on 16.06.2025, requesting respondent No.2 to come and join with petitioner No.1, for which, respondent No.2 issued reply to the said notice with baseless allegations. Thereafter, respondent No.2 filed the present complaint by implicating petitioner Nos.2 and 3, who are the parents of petitioner No.1/accused No.1 by making omnibus allegations. He further submitted that the offences alleged 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') and without following the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh Kumar Vs. State of Bihar***[1], is proceeding further in the matter and the same is contrary to law.

[1](2014) 8 SCC 273

4. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioners in respect of demanding additional dowry and harassing respondent No.2. Whether the said allegations are true or not, the same has to be revealed during the course of the investigation, especially the Investigation is under progress. He further submitted that the Investigating Officer has recorded the statements of seven witnesses. However, the offences alleged against the petitioners are punishable with imprisonment of less than seven years, the Investigating Officer had already issued notice under Section 41-A of the Cr.P.C./Section 35(3) BNSS to petitioner No.1/accused No.1 on 14.04.2026 and petitioner Nos.2 and 3/accused Nos.2 and 3 are absconding. The Investigating Officer will follow the very same procedure as contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in ***Arnesh Kumar (supra)*** in respect of petitioner Nos.2 and 3/accused Nos.2 and 3 also.

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 had already issued notice under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS to petitioner No.1/accused No.1 on 14.04.2026.

6. In view of the same, the Investigating Officer is entitled to follow the procedure contemplated under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS and follow the guidelines issued by the Apex Court in ***Arnesh Kumar*** (supra) in so far as petitioner Nos.2 and 3/accused Nos.2 and 3 are concerned. It is needless to mention that the petitioner Nos.2 and 3/accused Nos.2 and 3 are entitled to submit reply/explanation by raising all the pleas which are available to them and they are also entitled to submit the documents, if any, which are in their custody, to the Investigating Officer, whenever they receive notice under Section 35(3) of the BNSS. Petitioner No.1/accused No.1 is also entitled to submit his reply to the notice issued on 14.04.2026 by raising all the pleas which are available to him.

7. 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 III Additional Junior Civil Judge-Cum-III Additional Judicial Magistrate of First Class, Ranga Reddy District.

2. The Station House Officer, Saroornagar WPS (Malkajgiri) Police Station, Malkajgiri.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri Rajeshwar Rao Garige, Advocate [OPUC]
5. Two CD Copies

GNK/ABK

CC-TODAY

HIGH COURT

DATED: 28/04/2026



ORDER

CRLP.No.6648 of 2026

DISPOSING THE CRIMINAL PETITION

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