IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE SEVENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION NO: 15604 OF 2026

Between:

G Vara Kumar, S/o Bixam, Aged about 43 years, Occ: DAR PC No 381 Police Constable O/o 2nd Platoon DAR Police Headquarters Suryapet Suryapet District.

...Petitioner/Accused No.1

AND

1. The State of Telangana, rep by Public Prosecutor High Court at Hyderabad.

...Respondent

2. Dr P Shravan Kumar, S/o Not Known, Aged about 50 years, Occ Medical Superintendent (Addl DME) Government General Hospital Suryapet 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 FIR No.262 of 2026 on the file of the PS Suryapet Town Suryapet District 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 grant stay of all further proceedings FIR No. 262 of 2026 on the file of the P.S Suryapet Town, Suryapet District pending disposal of the main Crl. Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. Dunna Ambedkar, 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.15604 of 2026
(CNR No. HBHC010655672026)

Date: 07.10.2026

Between:
G.Vara Kumar

...Petitioner/Accused No.1

AND

The State of Telangana and another

...Respondents

ORDER:

This Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS') by the petitioner/accused No.1 seeking to quash the proceedings in Crime No.262 of 2026 of Suryapet Town Police Station, Suryapet District, registered for the offences punishable under Sections 78 and 79 of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

2. Heard Mr. Dunna Ambedkar, learned counsel for the petitioner, and Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1. With their consent, the criminal petition is disposed of at the stage of admission.

3. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he has been falsely implicated in this crime. Even according to the allegations levelled in the complaint, the ingredients of the offences under Sections 78 and 79 of the BNS are not attracted. Based upon the representation submitted by one J.Saritha, Security Guard at Government General Hospital, Suryapet, respondent No.2 lodged the present complaint, without obtaining prior permission as required under Section 173(3) of the BNSS and the S.H.O., Suryapet Town Police Station registered the crime and proceeding with the investigation and the same is contrary to law.

4.1 *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled in the complaint about the misbehaviour against J.Sarita, Security Guard, by the petitioner. Whether the allegations levelled in the complaint are true or not, the same will be revealed during the course of investigation, especially the investigation is under progress. At the time of filing the final report, the Investigating Officer will take the permission as required under Section 173(3) of the BNSS. Mere not obtaining the permission at the time of registration of the crime is not a ground for seeking quashing of the proceedings.

4.2 He further submitted that the offences levelled against the petitioner are punishable with imprisonment of less than seven years and the Investigating Officer had already served notice under Section 35(3) of the BNSS to the petitioner on 22.09.2026 and the petitioner is entitled to put forth his grievance by raising all the grounds available to him, on the other hand, he approached this Court and filed the present criminal petition. Hence, the petitioner is not entitled to seek quashing of the proceedings.

5. Having considered the submissions made by the respective parties and upon perusal of the material available on record, it reveals that there are specific allegations levelled in the complaint lodged by respondent No.2 that the petitioner misbehaved against J.Saritha, Security Guard. Whether the allegations levelled in the complaint are true or not, the same will be revealed during the course of investigation, especially the investigation is under progress. However, 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 served notice under Section 35(3) of the BNSS.

6. Hence, this Court is of the view that the petitioner is entitled to put forth his grievance before the Investigating Officer by raising all the pleas which are available to him and he is also entitled to submit the documents, which are in his custody. On such reply, the Investigating Officer is directed to scrupulously follow the due procedure as contemplated under the provisions of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar Vs. State of Bihar**[1]. The petitioner shall cooperate with the investigation.

7. With the above directions, 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 Additional Judicial First Class Magistrate Court at Suryapet.
2. The Station House Officer, Suryapet TN Police Station, Suryapet District.
3. One CC to Mr. Dunna Ambedkar, Advocate [OPUC]
4. Two CCs to Public Prosecutor High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

KAM/GNK

[1](2014) 8 SCC 273

HIGH COURT

DATED: 07/10/2026



ORDER

CRLP.No.15604 of 2026

DISPOSING OF THE
CRIMINAL PETITION

(8)

15/10/26