IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 15893 OF 2026

Between:

1. Yatham Ramulu @ Ramudu, S/o Yatham Mashanna, Aged about 42 years, Occ. Agriculture, R/o Kalwakole Village, Peddakothapally Mandal, Nagarkurnool District, Telangana.
2. Erukali Venkataiah, S/o Erukali Kistappa, Aged about 34 years, Occ. Agriculture, R/o Bogaram Village, Kosgi Mandal, Narayanpet District, Telangana.
3. Vadde Lingaswamy, S/o Kondaiah, Aged about 42 years, Occ. Agriculture, R/o Devunithirmalapur Village, Nagarkurnool District, Telangana.
4. Kummari Sangappa, S/o Kummari Bichappa, Aged about 41 years, Occ. Agriculture, R/o Bogaram Village, Kosgi Mandal, Narayanpet District, Telangana.
5. Manemma @ Mamatha, W/o Vadde Lingaswamy, Aged about 33 years, Occ. Housewife, R/o Devunithirmalapur Village, Nagarkurnool District, Telangana.
6. Pebbati Arjunaiah, S/o Pebbati Balswamy, Aged about 48 years, Occ. Agriculture, R/o Sathapur Village, Peddakothapally Mandal, Nagarkurnool (Mahabubnagar) District, Telangana.

...Petitioner/Accused No. 1,2,3,6,8 & 9

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad, Through SHO, Maddur, Narayanpet.
2. Smt. Sumaiya Begum, W/o Mohammed Rafiq, Aged about 28 years, Occ. Housewife, R/o Renivatla Village, Maddur Mandal, Narayanpet District, Telangana.

...Respondents/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 FIR.No. 130 of 2026 on the file the PS Maddur, Narayanpet for the offences u/s 137(2), 115(2), 351(2), r/w 3(5) BNS against the petitioners/ A1, A2, A3, A6, A8 and A9.

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 appearance of petitioners/ A1, A2, A3, A6, A8 and A9 in FIR.No. 130 of 2026 on the file the PS Maddur, Narayanpet, pending disposal of Crl.P.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri D L Pandu, Advocate for the Petitioner and the MJithender Rao, Veeramalla Additional Public Prosecutor on behalf of the Respondent No.1 and of 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.15893 of 2026
(CNR.No.HBHC010665092026)
Date : 01.10.2026

Between:
Yatham Ramulu @ Ramudu and others.

...Petitioners/Accused Nos.1, 2, 3, 6, 8 and 9

AND

The State of Telangana and another.

...Respondents/De-facto Complainant

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in F.I.R.No.130 of 2026 of Maddur Police Station, Narayanpet District, wherein the petitioners were arrayed as accused Nos. 1, 2, 3, 6, 8 and 9 for the offences punishable under Sections 137(2), 115(2), 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Mr. D.L. Pandu, learned for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

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

4. Learned counsel for the petitioners submitted that the petitioners have not committed the alleged offences and have been falsely implicated in the present crime by making omnibus allegations. Even according to the allegations levelled in the complaint, the ingredients for the offences under Sections 137(2), 115(2), 351(2) r/w 3(5) of the BNS are not attracted against the petitioners. He further submitted that the petitioners were only physically present at the scene of offence. In respect of petitioner No.1/accused No.1 and respondent No.2, there are monetary disputes pending and to dissolve the said monetary disputes, the respondent No.2 filed the present complaint by giving criminal colour. Except the offence under Section 137(2) of BNS, the other offences levelled against the petitioners are punishable with imprisonment of less than seven years, the Investigating Officer intentionally implicated the petitioners for the offence under Section 137 (2) of BNS to follow the due procedure as contemplated under the provisions of Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') and also the guidelines formulated by

the Apex Court in ***Arnesh Kumar Vs. State of Bihar***[1]. Hence the continuation of proceedings against the petitioners is a clear abuse of the process of law. Learned counsel for the petitioners seeks permission to withdraw the present Criminal Petition in respect of petitioner No.1 concerned and seeks liberty to avail the remedies as available under law. Therefore, Criminal Petition is dismissed against petitioner No.1/Accused No.1.

5. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled in the complaint that the accused No.1 borrowed money from LW4 and accused No.1 along with the other petitioners intercepted with the victim while he was travelling with his children, the accused No.1 threatened the victim and forcibly dragged him and his children into the car and kidnapped them. However, the allegations levelled in the complaint prima facie discloses a cognizable offence and the investigation is pending. At this stage, the petitioners are not entitled to seek quashing of the proceedings. He further submitted that the accused No.1 was arrested on 29.05.2026 and he was enlarged on bail. Accused Nos.2, 3, 6 and 9 were also obtained anticipatory bail on 19.06.2026. In respect of petitioner No.5/accused No.8 is concerned, when the investigation officer tried to serve the

[1](2014) 8 SCC 273

notice under Section 35(3) of BNSS, the accused No.8 is avoiding receipt of notice under Section 35(3) of the BNSS and is not cooperating with the investigation.

6. By way of reply, learned counsel for the petitioners submitted that petitioner No.5/accused No.8 will cooperate with the investigation, and submit his reply/explanation along with relevant documents. He further submitted that the Investigating Officer may be directed to follow the due procedure as contemplated under the provisions of the BNSS.

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that there are monetary disputes between the husband of the respondent No.2/de-facto complainant and the petitioner/accused No.1. Even according to the learned Additional Public Prosecutor, he placed the copy of the written instructions given by the Sub-Inspector of Police, Maddur Police Station, Narayanpet District dated 29.09.2026, which goes to show that the accused No.1 was arrested on 29.05.2026. According to the learned Additional Public Prosecutor, accused Nos.2, 3, 6 and 9 were obtained anticipatory bail on 19.06.2026. Even according to the learned Additional Public Prosecutor, the Investigating Officer

wants to follow the procedure contemplated under Section 35(3) of the BNSS in respect of the petitioner No.5/accused No.8.

8. Taking into consideration of the above said submission, the petitioner No.5/accused No.8 namely Manemma @ Mamatha is directed to appear before the Investigating Officer on or before 13.10.2026 and on such appearance, the Investigating Officer is directed to follow the procedure contemplated under Section 35(3) of the BNSS and follow the guidelines issued by the Apex Court in ***Arnesh Kumar*** (supra). It is needless to mention that the petitioner No.5/accused No.8 is entitled to put forth their grievance by raising all the pleas which are available to her, if any, upon receipt of notice under Section 35(3) of the BNSS, and produce all documents available with her before the Investigating Officer. The petitioner No.5/accused No.8 shall also cooperate with the investigation.

9. Accordingly, the Criminal Petition is disposed of in respect of petitioner No.5/accused No.8 and the Criminal Petition in respect of petitioners/accused Nos.1, 2, 3, 6 and 9 is dismissed. However, the petitioners/accused Nos.1, 2, 3, 6 and 9 are granted liberty to avail the remedies available under law whenever the cause arises.

Miscellaneous applications, pending if any, shall stand closed.

SD/- B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Kosgi.
2. The Junior Civil Judge-Cum-Judicial Magistrate of First Class at Kosgi.
3. The Station House Officer, Maddur Police Station, Narayanpet District.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
5. One CC to SRI. D L PANDU, Advocate [OPUC]
6. Two CD Copies

DL/GNK

HIGH COURT

DATED: 01/10/2026



ORDER

CRLP.No.15893 of 2026

DISPOSING OF THE CRIMINAL PETITION

9/10/26