IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 15905 OF 2026

Between:

Kalal Maruthi Goud @ K. Maruthi, S/o. K. Narsimulu Goud, Age.61 years, Occ.Agriculture, R/o. H.No.1-15/A, Chityal Village, Makthal Mandal, Narayanpet District, Telangana.

...PETITIONER/ACCUSED No. 2

AND

1. The State of Telangana, through SHO, Makthal Police Station, Narayanpet District, rep. by its Public Prosecutor, High Court, Hyderabad.
2. X X X X, X X X X

...RESPONDENTS/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 relating to the FIR No. 379 of 2026 of Makthal Police Station, Narayanpet District, and quash the proceedings thereon, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

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 including the arrest of the petitioner in FIR No. 379 of 2026 of Makthal Police Station, Narayanpet District, 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 K Narender, Advocate for the Petitioner, Public Prosecutor on behalf of the Respondent No. 1 and of Sri T. Rahul, Advocate 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.15905 of 2026
CNR.No. HBHC010667702026

Date: 08.10.2026

Between:

Kalal Maruthi Goud @ K. Maruthi

...Petitioner/Accused No.2

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.2 seeking to quash the proceedings in Crime No.379 of 2026 of Makthal Police Station, Narayanpet District, registered for the offences punishable under Sections 69, 318(4), 351(2) read with 49 of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS') and Sections 3(1)(r)(s), 3(1)(w)(i), and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short 'SC/ST Act').

2. Heard Mr. K. Narender, learned counsel for the petitioner, Mr. Jithender Rao Veeramalla, learned Additional Public

Prosecutor, appearing for respondent No.1 and Mr. T. Rahul, learned counsel for respondent No.2.

3. With their consent, the criminal petition is disposed of at the stage of admission.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offences and has been falsely implicated in the present crime only on the ground that he is the father of accused No.1. There are matrimonial disputes between accused No.1 and respondent No.2, who are none other than wife and husband and due to those disputes, respondent No.2 lodged the present complaint. Even according to the allegations levelled in the complaint, there are no allegations much less specific allegations that the petitioner abused respondent No.2/victim in the name of her caste. The alleged allegation mentioned in the complaint that accused No.1 informed respondent No.2 that the petitioner is not going to permit accused No.1 and respondent No.2 into the house on the ground that respondent No.2 belongs to SC/ST community is not true and the said allegation would not attract the offences punishable under Sections 3(1)(r)(s), 3(1)(w)(i), and 3(2)(va) of the SC/ST Act and there is no conspiracy and dishonest intention on the part of the petitioner to attract the offences punishable under Sections 318(4),

351(2) read with 49 of the BNS. The ingredients of the offence punishable under Section 69 of the BNS are not attracted against the petitioner and it attracts only against accused No.1. She further submits that accused No.1 was arrested and enlarged on bail pursuant to the order dated 06.10.2026, passed by the learned Special Court for trial of Cases under SCs/STs (POA) Act-cum-II Additional District and Sessions Court, Mahabubnagar *vide* Crl.M.P.No.966 of 2026 in Crime No.379 of 2026. Hence, the continuation of the proceedings against the petitioner is a clear abuse of the process of law. He further submitted that the offences levelled against the petitioner 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.

5. *Per contra,* learned counsel appearing on behalf of respondent No.2 submitted that at the instance of the petitioner, marital disputes were raised between accused No.1 and respondent No.2, immediately after four days of marriage, accused No.1 and

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[1](2014) 8 SCC 273

the petitioner harassed respondent No.2, created problems and abused respondent No.2 in the name of her caste. Hence, the petitioner is not entitled to seek quashment of the proceedings against him.

6. Learned Additional Public Prosecutor reiterated the very same submissions made by learned counsel for respondent No.2. He further submitted that since the other offences levelled against the petitioner/accused No.2 are punishable with imprisonment of less than seven years, the Investigating Officer will follow the due procedure as contemplated under the provisions of Section 35(3) 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 the petitioner is none other than the father-in-law of respondent No.2 and father of accused No.1. Due to marital disputes between accused No.1 and respondent No.2, she lodged the present complaint. Whether the allegations levelled in the complaint are true or not, the same will be revealed during the course of investigation. Upon perusal of the allegations levelled in the complaint, this Court is of the *prima facie* view that the offence punishable under Section 69 of the BNS may not attract against the petitioner. Since the other offences levelled against the

petitioner are punishable with imprisonment of less than seven years, the petitioner is directed to appear before the Investigating Officer on or before 17.10.2026 and on such appearance, the Investigating Officer is directed to follow the procedure contemplated under the provisions of the BNSS, and also the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar*** (*supra*) and the petitioner shall cooperate with the investigation. It is needless to mention that the petitioner is entitled to submit reply to the notice under Section 35(3) of the BNSS by raising all the pleas which are available to him and he is also entitled to submit the documents, if any, which are in his custody, to the Investigating Officer.

8. Accordingly, 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 Judicial First Class Magistrate at Makthal
2. The Station House Officer, Makthal Police Station, Narayanpet District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri K. Narender, Advocate [OPUC]
5. One CC to Sri T. Rahul, Advocate [OPUC]
6. Two CD Copies

VH/GNK

HIGH COURT

DATED: 08/10/2026



ORDER

CRLP.No.15905 of 2026

DISPOSING OF THE

CRIMINAL PETITION

9 copies
JK
12/10/26