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: 16139 OF 2026

Between:

Nenavath Ramesh, S/o. Nenavath Keshya, age 36 years, Occ. Business, R/o.H.No.17-1-391/2K/93/78,Khajabagh, Near Padmavathi College, Saidabad, Hyderabad-500 059.

...PETITIONER/ACCUSED No.1

AND

1. The State of Telangana, rep.by its Public Prosecutor, High Court of Telangana, High Court Buildings at Hyderabad.
2. Mudavath Sagar, , S/o. Chandya, age 36 years, Occ. Wardnumber, R/o. Kattakommu Thanda, Devarakonda Mndal, Nalgonda District.

...RESPONDENTS/COMPLAINANTS

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. 347/2026, Dt. 26.09.2026 on the file of Devarakonda PS, Nalgond District for the offences U/S 126(2),115(2),351(2),352 r/w 3(5) 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 grant stay of all further proceedings in FIR No. 347/2026, Dt. 26.09.2026 on the file of Devarakonda PS, Nalgond District for the offences U/S 126(2),115(2),351(2),352 r/w 3(5) BNS, pending disposal of the Quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P RAJESH, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the Addl. Public Prosecutor on behalf of the Respondent No.1 and none appeared on behalf of 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.16139 of 2026
(CNR No. HBHC010673632026)

Date: 01.10.2026

Between:
Nenavath Ramesh

...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 F.I.R. No.347 of 2026 of Devarakonda Police Station, Nalgonda District, registered for the offences punishable under Sections 126(2), 115(2), 351(2) and 352 r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

2. Heard Mr. P.Rajesh, learned counsel for the petitioner, and Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor for

respondent No.1. With their consent, this 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 the present crime due to political rivalry. He further submitted that the offences levelled against the petitioner are punishable with imprisonment of less than seven years and the Investigating Officer without following the mandatory procedure as prescribed under Section 35(3) of the BNSS and the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**[1], is proceeding with the investigation and the same is contrary to law.

4.1 *Per contra,* the learned Additional Public Prosecutor submitted that there are specific allegations levelled in the complaint and the said allegations attract the ingredients of the offences under Sections 126(2), 115(2), 351(2) and 352 r/w 3(5) of the BNS. The investigation is under progress. At this stage, the petitioner is not entitled to seek 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

[1](2014) 8 SCC 273

the Investigating Officer had already served notice to accused Nos.2 to 4 on 28.09.2026 and when the Investigating Officer tried to serve the notice under Section 35(3) of the BNSS, the petitioner is avoiding receiving the same and not cooperating with the investigation. Hence, the petitioner is not entitled to seek quashing of the proceedings at this stage.

5. The learned counsel for the petitioner by way of reply submitted that the petitioner will cooperate with the investigation.

6. 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 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 to accused Nos.2 to 4 on 28.09.2026 and wants to follow the very same procedure in respect of the petitioner.

7. In view of the same, the petitioner/accused No.1 is directed to appear before the Investigating Officer on or before 13.10.2026 and on such appearance, 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** (supra). The petitioner shall cooperate with the investigation. It is needless to mention 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.

8. With the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/-C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Addl. Judicial Magistrate of First Class, Devarakonda, Nalgond District
2. The Station House Officer, Police Station Devarakonda, Nalgond District
3. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. P RAJESH Advocate [OPUC]
5. Two CD Copies

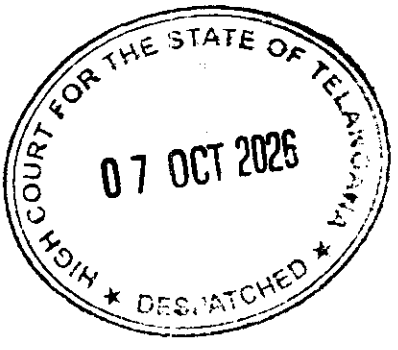
TPK/GNK

HIGH COURT

DATED: 01/10/2026

ORDER

CRLP.No.16139 of 2026



CRIMINAL PETITION IS DISPOSED OF

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