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: 16060 OF 2026

Between:

1. Bollaveni Prashanth, S/o BollaveniMallaih @ Mallesham Aged about 27 years, Occ. Agriculture R/o H.No. 4-26, Yellapur, Karimnagar - 505 415, Telangana
2. BollaveniMallaiah @ Mallesham, S/o Aged about 50years, Occ. Agriculture R/o H.No. 4-26, Yellapur, Karimnagar - 505 415, Telangana
3. Bollaveni Raju, S/o Bollaveni Mallesh Aged about 28 years, Occ. Agriculture R/o H.No. 4-26, Rambadhrunipalli, Pegadapalli, Karimnagar - 505 415, Telangana
4. Nethetla Rajeshm, S/o NethetlaGangaiah Aged about 33 years, Occ. Agriculture R/o H.No. 5-2, Rambadhrunipalli, Yellapur, Pegadapalli, Jagtiat - 505 415, Telangana

...PETITIONERS/ACCUSED NO.1 to 4

AND

1. The State of Telangana, Represented by Public Prosecutor Through SHO PS. Pegadapalli Jagtial
2. Pevuda Kumar, S/o Ramulu Aged about 29 years, Occ. R/oRambadhrunipalli Village Pegadapalli Mandal, Jagtial - 505 415

...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 all the further proceedings in Crime No. 157/2026 dated 24- 09-2026 registered before PS. Pegadapalli, Jagtial District for the offences u/sec.296(b), 115(2), 118(1), 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023against the petitioners/accused herein.

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 Crime No. 157/2026 dated 24-09-2026 registered before PS. Pegadapaili, Jagtial District for the offences u/sec.296(b), 115(2), 118(1), 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023against the petitioners/accused including investigation and filing of Charge Sheet against the petitioners / accused.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri RAGHU GURRAM, 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.16060 of 2026
(CNR No. HBHC010673782026)

Date: 01.10.2026

Between:
Bollaveni Prashanth and others.

...Petitioners/accused Nos.1 to 4

AND

The State of Telangana and another

...Respondents/De-facto Complainant

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 4 seeking to quash the proceedings in FIR No.157 of 2026 of Pegadapally Police Station, Jagtial, for the offence punishable under Sections 296(b), 115(2), 118(1), 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023(for short, "BNS").

2. Heard Mr. Raghu Gurram, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. With their consent, 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. Especially, the petitioners were suffered in the hands of the *de-facto* complainant and others. The petitioner No.1 lodged a complaint before the very same police station on 26.09.2026 against the respondent No.2 – *de-facto* complainant and two others. Basing on the said complaint, FIR No.159 of 2026 of Pegadapally Police Station, Jagtial, was registered for the offence punishable under Sections 296(b), 115(2), 118(1), 351(2) r/w 3(5) of the BNS. When the said crime is pending, the respondent No.2 filed the present complaint by giving it a criminal colour as a counter blast against the petitioners. Hence, continuation of the proceedings against the petitioners is a clear abuse of the process of the law. He further submitted that the offences levelled 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.

5. *Per contra*, learned Additional Public Prosecutor for respondent No.1 submits that there are specific allegations levelled in the complaint that the petitioners assaulted and indiscriminately beaten the respondent No.2, resulting which, the respondent No.2 sustained injuries in the hands of the petitioners. Mere pendency of Crime No.159 of 2026 filed by the petitioner No.1, the petitioners are not entitled to seek quashing of the proceedings, especially when the investigation is under progress. The said allegations leveled in the complaint attract the ingredients for the offence punishable under Sections 296(b), 115(2), 118(1), 351(2) r/w 3(5) of the BNS and the petitioners are not entitled to any relief much less than the relief sought in the present Criminal Petition. However, since the offence alleged against the petitioners are punishable with imprisonment of less than seven years, the Investigating Officer intends to follow the procedure contemplated under Section 35(3) of the BNSS and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra). However, the

[1] (2014) 8 SCC 273

petitioners are avoiding receipt of notice under Section 35(3) of the BNSS and are not cooperating with the investigation.

6. By way of reply, learned counsel for the petitioners submitted that the petitioners will cooperate with the investigation. 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 is a counter case pending against the petitioners in Crime No.159 of 2026 before the very same police station and 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 intends to follow the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in **Arnesh Kumar (supra)**.

8. Taking into consideration the peculiar facts and circumstances of the case and submissions made by the

respective parties, the petitioners are directed to appear before the Investigating Officer on or before 30.10.2026. On such appearance, the Investigating Officer is directed to scrupulously follow the procedure contemplated under Section 35(3) of the BNSS, as well as the guidelines issued by the Apex Court in ***Arnesh Kumar*** (supra). It is needless to mention that the petitioners are entitled to put forth their grievance by raising all the pleas which are available to them under law, and they are also entitled to submit the documents, if any, which are in their custody, to the Investigating Officer. The petitioners shall also cooperate with the investigation.

9. 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

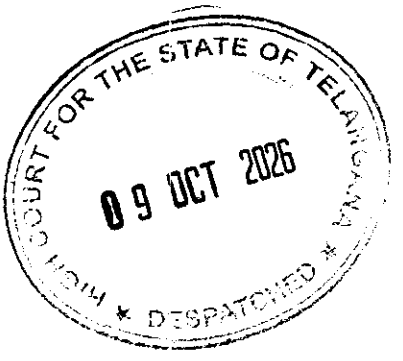
To,

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

TPK/GNK

HIGH COURT

DATED: 01/10/2026



ORDER

CRLP.No.16060 of 2026

CRIMINAL PETITION IS DISPOSED OF

(8)

8/10/26