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: 16160 OF 2026

Between:

1. Mothe Upender, S/o.Deva Reddy Age 31 years, Occ.Agriculture, R/oH.No.3-48/B/1, Samudralingapur Village, Gambhiraopet Mandal, Rajanna Sircilla
2. Mothe Nirmala, W/o.Deva Reddy Age 54 years, Occ.Agriculture, R/oH.No.3-48/B/1, Samudralingapur Gambhiraopet Mandal, Rajanna Sircilla

...PETITIONERS/ACCUSED NO.1 AND 2

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana At Hyderabad.
2. A.Ramesh, PC 458, R/o. Gambhiraopet Mandal, Rajanna Sircilla District. Ce11.8712656375.

...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 in Crime No.203 of 2026, on the file of Gambhiraopet Police Station, Rajanna Sircilla District, against the Petitioners/A1,A2.

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.203 of 2026, on the file of Gambhiraopet Police Station, Rajanna Sircilla District including the arrest of the Petitioner/A1,A2 till the disposal of the Main Quash Petition in the interest of the justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri VUCHIDI SHARATH KUMAR, 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.16160 of 2026

CNR.No. HBHC010674122026

Date : 01.10.2026

Between:

Mothe Upender and another

...Petitioners/accused Nos.1 and 2

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.203 of 2026 of Gambhiraopet Police Station, Rajanna Sricilla District, wherein the petitioners were arrayed as accused Nos.1 and 2, registered for the offences punishable under Sections 132, 351(2) and 292 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr. V. Sarath Kumar, learned counsel for the petitioners appearing through video conference and Mr. Jithender Rao Veeramalla, and learned Additional Public Prosecutor for respondents. With their consent, this criminal petition is disposed of at the stage of admission.

3. Learned counsel for the petitioners submitted that the petitioners have not committed the alleged offences and have

been falsely implicated in the present crime. Even according to the allegations levelled in the complaint, the ingredients of the offences punishable under Sections 132, 351(2) and 292 read with 3(5) of the BNS are not attracted against the petitioners. The petitioners have not obstructed the official duties of respondent No.2 nor refused to furnish information as sought by respondent No.2. Respondent No.2 intentionally lodged the present complaint by making omnibus allegations especially the petitioners are having valid driving license and RC book and the same were produced before respondent No.2. Hence, continuation of the proceedings against the petitioners is a clear abuse of the process of law. He further submitted that the offences alleged 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 'the 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.

4. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioners in the complaint that when respondent No.2 directed

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[1](2014) 8 SCC 273

the petitioners to produce documents pertaining to the vehicle, they made allegations against respondent No.2 that he is not competent to sought particulars or information from the petitioner though respondent No.2 is having power and authority to verify the documents of vehicle. The said allegations *prima facie* attracts cognizable offences. Whether the allegations made against the petitioners are true or not, the same has to be revealed during the course of investigation, especially the investigation is under progress. Hence, the petitioners are not entitled to seek quashment of the proceedings against them. Since the offences levelled against the petitioners are punishable with imprisonment of less than seven years, when the Investigating Officer is trying to follow the due procedure as contemplated under the provisions of Section 35(3) of the BNSS, the petitioners are evading the receipt of notice and not cooperating with the investigation from the date of registration of crime.

5. Learned counsel for the petitioners by way of reply submitted that the petitioners will cooperate with the investigation.

6. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals 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 wants to follow the due procedure as contemplated under the provisions of Section 35(3) of the BNSS.

7. In view of the same, the petitioners are 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 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 petitioners are entitled to submit reply to the notice under Section 35(3) of the BNSS by raising all the pleas which are available to them and they are also entitled to submit the documents, if any, which are in their 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 Station House Officer, Gambhiraopet Police Station, Rajanna Sircilla District

2. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to SRI. VUCHIDI SHARATH KUMAR Advocate [OPUC]
4. Two CD Copies

TPK/GNK

HIGH COURT

DATED: 01/10/2026

ORDER

CRLP.No.16160 of 2026



CRIMINAL PETITION IS DISPOSED OF

7 COPIES
8/10/26
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