IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16314 OF 2026

Between:

Vadityavat Shantamma, W/o Gopal Nayak, Age. 37 years, Occ. Coolie, R/o H.No.1-16/ 1, Kanakapur Thanda Village, Moosapet Mandal, Mahabubnagar District, Telangana

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, At Hyderabad.

...RESPONDENT No. 1

2. Bala Shiva Kumar, S/o Rambabu, Age. 31 years, Occ. Private Employee, R/o H.No.6-9-141, Safai Basthi, Kothagudem, Bhadradri Kothagudem District, Telangana.

...RESPONDENT No. 2/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 C.C.No.1688 of 2025, on the file of the Court of the II Additional Judicial First Class Magistrate, Kothagudem.

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 the petitioner in C.C.No.1688 of 2025 on the file of the Court of the II Additional Judicial First Class Magistrate, Kothagudem.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of M/s. Bobbala Jyothirmai Advocate for the Petitioner, Public Prosecutor on behalf of the Respondent No. 1 and 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.16314 of 2026

CNR.No. HBHC010683072026

Date:06.10.2026

Between:

Vadityavat Shantamma

...petitioner

AND

The State of Telangana, and another.

...respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in C.C.No.1688 of 2025, on the file of the II Additional Judicial First Class Magistrate at Kothagudem, wherein the petitioners was arrayed as accused, registered for the offences punishable under Sections 420 of the Indian Penal Code, 1860 (for short the 'IPC') and Section 66(D) of the Information and Technology Act, 2008 (for short 'the IT Act').

2. Heard Mr. Bobbala Jyothirmai, learned counsel for the petitioner 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. Notice in respect of respondent No.2 is dispensed with.

4. When this Court expressed the view that the present case does not come within the ambit of rarest of rare cases, as the final report contains specific allegations against the petitioner which, *prima facie,* disclose cognizable offences, and the grounds urged in the criminal petition require adjudication by the trial Court after full-fledged trial and the same cannot be adjudicated by this Court while exercising the powers conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), at this juncture, learned counsel for the petitioner requested this Court to dispense with the presence of petitioner/accused in C.C.No.1688 of 2025, on the file of the II Additional Judicial First Class Magistrate at Kothagudem, on the ground that petitioner/accused is eking out her livelihood as a coolie and the matter before the trial Court has not ripened for the trial yet.

5. The learned Additional Public Prosecutor has not opposed the submission made by the learned counsel for petitioner.

6. Taking into consideration the peculiar facts and circumstances of the case, occupation of the

petitioner/accused, and the submission made by the learned counsel for the petitioner, the presence of the petitioner/accused in C.C.No.1688 of 2025, on the file of the II Additional Judicial First Class Magistrate at Kothagudem, is dispensed with, subject to the condition that petitioner/accused shall be represented by her counsel on every date of hearing, unless her presence is specifically required during the course of the trial. In the event of non-appearance of petitioner/accused on any date so fixed by the trial Court, the trial Court shall be entitled to proceed with the matter in accordance with law.

7. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- K BHAVANI SWAMY,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The 2nd Additional Judicial First Class Magistrate at Kothagudem
2. The Station House Officer, Kothagudem 3 Town Police Staiton, Bhadradri Kothagudem District
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Ms. Bobbala Jyothirmai, Advocate [OPUC]
5. Two CD Copies

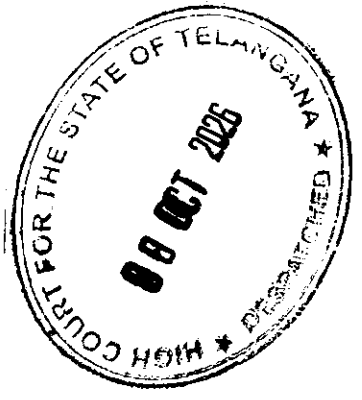
VH

HIGH COURT

DATED: 06/10/2026

ORDER

CRLP.No.16314 of 2026



DISPOSING OF THE

CRIMINAL PETITION

8/10/26