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: 16310 OF 2026

Between:

1. Chandu Pandiri @ Pandiri Chandra Sekhar, S/o. P. Sudhakar, Aged about 36 years, Occ: Government Employee, R/o. Agamothkur Village, Madgulapally Mandal, Nalgonda District. A.1
2. Manoj Chirumarthu, S/o. Ch.Lingaiah, Aged about 25 years, Occ: Business, R/o. Kothagudem Village, Narketpally Mandal, Nalgonda District. A.2
3. Saidulu Malleboina, S/o. Pochaiah, Aged about 50 years, Occ: Ex Surpanch, R/o. Mandra Village, Narketpalle Mandal, Nalgonda District. A.3
4. Ravi Dubba, S/o. Ellaiah, Aged about 40 years, Occ: Business, R/o. Narketpally Village and Mandal, Nalgonda District. A.4
5. Raju Medi, S/o. Ramachandru, Aged about 35 years, Occ: Business, R/o. Vattimarthy Village, Chityala Mandal, Nalgonda District. A.5

...Petitioner/Accused Nos. 1 to 5

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for State of Telangana at Hyderabad.
2. Jyothi Malleboina, W/o. Ramalingaiah, Aged about 35 years, Occ. Agriculture, R/o. Mandra Village, Narketpally Mandal, Nalgonda District.

...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 quash the criminal proceedings against the Petitioners herein i.e. Accused Nos.1 to 5 herein in Crime No.219 of 2026, PS Narkatpally, Nalgonda District, for the alleged offences Under Sections. 329(3), 324(4), 352, 351(2), 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 stay all further proceedings including arrest of the Petitioners/Accused Nos.1 to 5 herein in Crime No. 219 of 2026, PS Narkatpally, Nalgonda District, for the alleged offences Under Sections. 329(3), 324(4), 352, 351(2), r/w 3(5) BNS.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri V.Raghunath, Counsel representing Ms. Verose Sanjana, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1-State.

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.16310 2026
CNR.No. HBHC010683522026

Date: 06.10.2026

Between:

Chandu Pandiri @ Pandiri Chandra Sekhar and four others

...Petitioners

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 petitioners/accused Nos.1 to 5 seeking to quash the proceedings in Crime No.219 of 2026 of Narkatpally Police Station, Nalgonda District, registered for the offence punishable under Sections 329(3), 324(4), 352, 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

2. Heard Mr. V. Raghunath, learned Senior Counsel, representing Ms. Verose Sanjana, learned counsel for the petitioners and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for respondent No.1-state. With their

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

3. Learned Senior counsel for the petitioners submitted that the petitioners have not committed the alleged offences and have been falsely implicated in the present crime. The allegations levelled in the complaint are purely civil in nature, in respect of agricultural land. Respondent No.2 ought to have approached a competent civil Court, on the other hand, lodged the present complaint by giving it a criminal colour. He further submits that petitioner No.5 lodged a complaint against one Malleboina Ramalingaiah and four others and basing on the said complaint, crime No.121 of 2020 was registered by police, Narkatpally Police Station for the offences punishable under Sections 447 and 427 read with 34 of the Indian Penal Code, 1860 (for short 'the IPC'). The Investigating Officer, after conducting the investigation, filed final report before the Judicial First Class Magistrate (for Prohibition and Excise Offences) at Nalgonda (for short 'the trial Court') and the said case was numbered as C.C.No.1295 of 2026. Similarly, petitioner No.2 also lodged complaints against the said Malleboina Ramalingaiah and others and the same were registered as crime Nos.93 and 145 of 2020 of Narkatpally Police Station. The Investigating Officer, after conducting the investigation, filed final report before the trial Court and the cases were numbered as C.C.Nos.1293 and 1296 of 2026.

When the said cases were pending before the trial Court, respondent No.2 lodged the present complaint as counter a blast, especially, the wife of petitioner No.1 is absolute owner and possessor of the subject property and her name was mutated in the revenue records and E-Pattadar passbooks were issued in her name. Hence, the question of trespassing into the property by the petitioners as alleged by respondent No.2 in the present complaint does not arise and the continuation of the proceedings against the petitioners is a clear abuse of the process of law.

4. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled in the complaint against the petitioners that the petitioners have trespassed into the subject property, damaged the crop and threatened respondent No.2 with dire consequences. Whether the allegations levelled against the petitioners are true or not, the same has to be revealed during the course of investigation and the petitioners are not entitled to seek quashment of proceedings against them at threshold, especially when the investigation is under progress. He further submitted that, since the offences levelled against petitioners are punishable with imprisonment of less than seven years, the Investigating Officer will follow the due procedure as contemplated under Section 35(3) of the BNSS and also the guidelines formulated by

the Apex Court in ***Arnesh Kumar Vs. State of Bihar***[1], and the petitioner shall cooperate with the investigation.

5. Learned Senior Counsel 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 the 35(3) of the BNSS.

7. In view of the same, 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)*** in respect of petitioners/accused Nos.1 to 5 and the petitioners 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

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[1](2014) 8 SCC 273

their custody, soon after receiving the notice from the Investigating Officer.

8. 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 Judicial First Class Magistrate (Excise & Prohibition) at Nalgonda.
2. Station House Officer Police Station Narkatpally, Nalgonda District.
3. One CC to Ms. Verose Sanjana, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

BA/GNK

HIGH COURT

DATED: 06/10/2026



ORDER

CRLP.No.16310 of 2026

DISPOSING OF THE CRIMINAL PETITION

PVL
16/10/2026