IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16256 OF 2026

Between:

1. Kalakuntla Krishnaiah, S/o. Kalakuntla Bikshapathy, Age. 47 years, Occ. Agriculture, R/o. H. No. 5-38/6/2, Borragudem, Wargal Mandal, V.T.C. Majid Palle, Majidpalle Post, Waragal Medak District, T.G. - 502 334.
2. Kalakuntla Elander, S/o. Kalakuntla Krishnaiah, Age. 25 years, Occ. Student, R/o. H. No. 5-38/6/2, Borragudem, Wargal Mandal, V.T.C. Majid Palle, Majidpalle Post, Waragal Medak District, T.G. - 502 334.
3. Ranjith Reddy Atla, S/o. Ramesh Reddy, Age. 45 years, Occ. Agriculture, R/o. Veluru village, Waragal Post. Medak District T.G.

...Petitioner/Accused Nos. 1 to 3

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court of Telangana, Hyderabad
2. Kumar Goud Poodari, S/o Malla Goud, Occ. Business, R/o. H. No. 1-127, Near Nacharam village, Waragal Mandal Siddipet District T.G. Ph. No. 9704344388 Present address. Plot No.1-38, Damdamoodi Enclave, Post Basheerbad, Jeedimetla Medchal-Malkajgiri District.

...Respondents/De-facto 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 F.I.R. No. 53/2026, dt. 19.09.2026 on the file of the P.S. Begumpet, Siddipet District, T.G. against the Petitioners/ Accused No. 1 to 3.

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 against the Petitioners/ Accused Nos. 1 to 3 pursuant to F.I.R. No. 53/2026, dt. 19.09.2026 on the file of the P.S. Begumpet, Siddipet District, T.G pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Shaik Karimulla, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and of 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.16256 of 2026

CNR.No. HBHC010685922026

Date: 05.10.2026

Between:
Kalakuntla Krishnaiah and two others

...Petitioners

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 3 seeking to quash the proceedings in FIR No.53 of 2026 of Begumpet Police Station, Siddipet, registered for the offences punishable under Sections 329(3), 324(2), 126(2), 352 and 351(2) of the Bharaitya Nyaya Sanhita, 2023.

2. Heard Mr.Shaik Karimulla, 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 offence and have been falsely implicated in the present crime by making omnibus allegations. He further submitted that the allegations levelled in the complaint are purely civil in nature in respect of agricultural land. In particular, petitioner No.1 purchased the subject property from the original owner under a registered sale deed dated 10.09.2026, by paying valuable sale consideration, and is a bona fide purchaser. Hence, continuation of the proceedings against the petitioners would amount to a clear abuse of the process of law.

4.1. He further submits that the offences levelled against the petitioners are punishable with imprisonment of less than seven years and 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*, the learned Additional Public Prosecutor submitted that there are specific allegations in the complaint that the petitioners, without having any manner of right over the property, trespassed into the property of respondent No.2 and damaged the crop. Whether the allegations levelled in the complaint are true or not the same has to be revealed during the course of investigation especially the investigation is under progress. The petitioners are not entitled to seek quashment of the proceedings against them at this stage. However, since the offences 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 petitioners are avoiding receipt of notice under Section 35(3) of the BNSS and are not cooperating with the investigation.

[1](2014) 8 SCC 273

6. By way of reply, learned counsel for the petitioners submitted that petitioners will cooperate with the investigation, and submit their reply/explanation along with relevant documents. 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 the offences levelled against petitioners are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer will 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, the petitioners are directed to appear before the Investigating Officer on or before 15.10.2026 and the Investigating Officer is directed to follow the procedure contemplated under Section 35(3) of the BNSS and follow 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, if any, upon receipt of notice under Section 35(3) of the BNSS, and produce all documents available with them before 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 Principal Judicial First-Class Magistrate at Gajwel.
2. The Station House Officer, Begumpet Police Station, Siddipet District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri Shaik Karimulla, Advocate [OPUC]
5. Two CD Copies

DL/GNK

HIGH COURT

DATED: 05/10/2026



ORDER

CRLP.No.16256 of 2026

DISPOSING OF THE CRIMINAL PETITION

9
4-24
9/10/26