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: 16393 OF 2026

Between:

1. Sri. Thadishetty Vidya Sagar, S/o. T. Ramaswamy, Aged about 62 years, Occ: Business, R/o. H.No. 4-1-55, Kothur Janda, Hanumakonda City and District, Telangana.
2. Sri. Mirukula Manohar, S/o. Mallaiah, Aged about 62 years, Occ: Agriculuture, R/o. H. No. 1-8-126, Balasamudram, Hanumakonda City and District, Telangana
3. Sri. Palle Ganesh, S/o. Palle Babu, Aged about 36 years, Occ: Agriculuture, R/o. H. No. 3-16-98, Peddamma Gadda, Hanumakonda City and District, Telangana

...Petitioners/Accused No.1 to 3

AND

1. The State of Telangana, Represented by Public Prosecutor, High Court for the State of Telangana at Hyderabad.

...Respondent No.1

2. Sri. Kandikonda Veera Kumar, S/o. Chinna Yellaiah, Aged about 57 years, Occ Agriculture, R/o. H. No. 4-6-132/1, Kumarpally, Hanumakonda City and District, Telangana.

... Defacto Complainant/Respondent

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 call for the records relating to Crime No.200 of 2026 dated 21.09.2026, registered by Enumamula Police Station, Warangal, for the alleged offences punishable under Sections 318(4), 329(1), 324(5), 351(3) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, and QUASH the said FIR and all proceedings arising therefrom insofar as the Petitioners/Accused Nos.1 to 3 are concerned, as continuation thereof would amount to abuse of the process of law, and consequently

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 pursuant to Crime No.200 of 2026 dated 21.09.2026 on the file of Enumamula Police Station, Warangal, insofar as the Petitioners/Accused Nos.1 to 3 are concerned, including all coercive steps against the Petitioners

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Kaitha Karunakar, Advocate for the Petitioners and the Sri Jithender Rao Veeramalla, Additional 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.16393 of 2026

CNR No. : HBHC010687392026

Date: 06.10.2026

Between:
Thadishetty Vidya Sagar 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 Crime No.200 of 2026 of Enumamula Police Station, Warangal District, registered for the offences punishable under Sections 318(4), 329(1), 324(5) and 351(3) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Mr.Kaitha Karunakar, 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 submits that the petitioners have not committed the alleged offences and have been falsely implicated in the present case. The allegations levelled against the petitioners are purely civil in nature. In respect of the very same property, O.S.No.654 of 2026 is pending before the learned I Additional Judicial Civil Judge, Hanamkonda, wherein the said Court, in I.A.No.334 of 2026, granted an interim injunction restraining respondent No.2 from interfering with the schedule property, and the said injunction is continuing. He further submits that, aggrieved by the judgment and decree passed by the learned II Additional Junior Civil Judge, Warangal, in O.S.No.1579 of 2012, confirming the judgment and decree dated 22.12.2023 in A.S.No.57 of 2022, petitioner No.1 and two others have approached this Court and filed S.A.No.97 of 2024, wherein this Court granted interim suspension on 07.03.2024, and the said interim order is still subsisting.

5. He further submits 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.

6. *Per contra*, learned Additional Public Prosecutor submitted that 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).

7. Having considered the rival submissions made by the respective parties and after 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 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. In view of the above, the petitioners are directed to appear before the Investigating Officer on or before 17.10.2026 and submit reply/explanation along with the documents, which are

[1](2014) 8 SCC 273

available with them, to the Investigating Officer. The Investigating Officer is entitled 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).

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- B. REKHA RANI
ASSISTANT REGISTRAR

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SECTION OFFICER

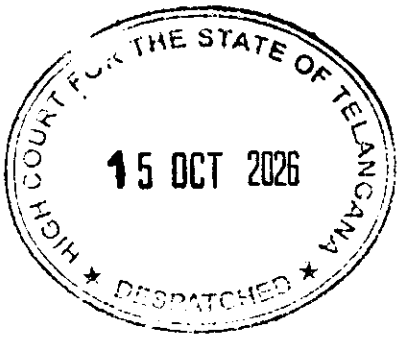
To,

1. The I Additional Judicial First Class Magistrate at Warangal
2. Station House Officer Police Station Enumamula, Warangal District.
3. One CC to Sri Kaitha Karunakar, 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.16393 of 2026

DISPOSING OF THE CRIMINAL PETITION

8 copies
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15/10/26