IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE SEVENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16541 OF 2026

Between:

1. Jatothu Vasantha Kumar, S/o. Jatothu Mothiram, Aged about 42 years, Occ.Inspector of Police, R/o.H.No. 5-39, Tharya Thanda, Macherla Village, Gudur Mandal, Mahabubabad District-506134.
2. Jatothu Pulamma, W/o. Mothiram, Aged about 63 years, Occ. House wife, R/o.H.No. 5-39, Tharya Thanda, Macherla Village, Gudur Mandal, Mahabubabad District-506134.
3. Jatothu Mothiram, S/o. Jatothu Panthulya, Aged about 66 years, Occ. Farmer, R/o. H.No. 5-39, Tharya Thanda, Macherla Village, Gudur Mandal. Mahabubabad District-506134.

...Petitioner's/Accused's No.1 to 3

AND

1. The State of Telangana, Rep.by it's Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. Jatothu Sowmya, S/o. Vasantha Kumar, Aged about 34 years, Occ. Housewife, R/o. H.No.5-39, Tharya Thanda, Macherla Village, Gudur Mandal, Mahabubabad District-506134.

...Respondent/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 call for the records pertaining to F.I.R in Cr.No.230 OF 2026, dated.19.08.2026 on the file of Police Station Gudur, Mahabubabad District and quash the same with respect to the Petitioners/Accused's No. 1 to 3 herein, by holding it to be an abuse of process of law.

I.A. NO: 1 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 including arrest of petitioners/Accused's No.1 to 3 in F.I.R in Cr.No.230 OF 2026 on the file of Police Station Gudur Mahabubabad District and pass

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

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.16541 of 2026

CNR No.: HBHC010690442026

Date: 07.10.2026

Between:
Jatothu Vasantha Kumar 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.230 of 2026 of Gudur Police Station, Mahabubabad District, registered for the offences punishable under Sections 85, 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') and Sections 3 and 4 of the Dowry Prohibition Act, 1961(for short 'D.P.Act').

2. Heard Mr.B.Balaji, 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. Even according to the allegations levelled in the complaint, the ingredients for the offences under Sections 85, 351(2) r/w 3(5) of the BNS and Sections 3 and 4 of the D.P.Act are not attracted against the petitioners. Respondent No.2 implicated all the family members of petitioner No.1 by making omnibus allegations, especially, at no point of time, respondent No.2 lived along with petitioners Nos.2 and 3. They never demanded or harassed her for additional dowry, as alleged in the complaint. He further submitted 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.

5. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioners in the complaint about the harassment made by them and demand of additional dowry. Whether the petitioners have committed the offence or not have to be revealed during the course of investigation and the petitioners are not entitled to seek quashing of the proceedings at this stage. He further

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[1] (2014) 8 SCC 273

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

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Judicial First Class Magistrate at Mahabuabad.
2. The Station House Officer Police Station Gudur, Mahabubabad District.
3. One CC to Sri B Balaji 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: 07/10/2026

ORDER

CRLP.No.16541 of 2026



DISPOSING OF THE CRIMINAL PETITION

(8)
T.P
15/10/26