IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE EIGHTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16616 OF 2026

Between:

1. Y. KATAIAH, S/o Y. Pentaiah, Aged about 60 years, Occ. Business, R/o. H. No 32-412/1, Plot No 311, YS Latha Nilayam, HMT Shapur Nagar, Jeedimetla, Hyderabad.
2. A. VINAY KUMAR, S/o A.Gopal, Aged about 25 years, Occ.Private Employee, R/o.Sy.No.401, Bommarasipet Village, Shamirpet Mandal, Medchal-Malkajgiri District.
3. D. HARISH, S/o D.Yadagiri, Aged about 24 years,,Occ .- Private Employee, R/o.Sy.No.401, Bommarasipet Village, Shamirpet Mandal, Medchal-Malkajgiri District.
4. D. TEJA, S/o Durga Rao, Aged about 24 years, Occ.Private Employee, R/o.Sy.No.401, Bommarasipet Village, Shamirpet Mandal, Medchal-Malkajgiri District.

...Petitioner/Accused No. 2,4,5,6

AND

1. State of Telangana, Rep. by Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Mahesh Kumar Jangid, S/o Late Durgaram Jangid, Aged About 50 Years, Occ .- Business, R/o Plot No 291, Alwal, M.M District, Telangana State.

...Respondents

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

CR. No 675 Of 2026 Of PS Shamirpet. and consequently quash all further proceedings against the petitioner/Accused No.2,4,5,6 in CR. No 675 of 2026 of PS Shamirpet.

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 in CR. No 675 of 2026 of PS Shamirpet, against the petitioner/Accused No.2.4.5.6, pending disposal of the main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Ventrapragada Aravind, Advocate for the Petitioner and the Sri 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.16616 of 2026

CNR.No.HBHC010693112026

Date: 08.10.2026

Between:
Y.Kataiah and others

...Petitioners

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.2, 4, 5 and 6 seeking to quash the proceedings in FIR No.675 of 2026 of Shamirpet Police Station, Malkajgiri District, registered for the offences punishable under Sections 329 (3) and 324(5) read with Section 3(5) of the Indian Penal Code, 1860 (for short, 'IPC').

2. Heard Mr. V.Aravind, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor

for respondent No.1. With their consent, the criminal petition is disposed of at the stage of admission.

3. 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 dispute is purely civil in nature, particularly as the petitioners are claiming rights over the subject property on the basis of the Development Agreement-cum-General Power of Attorney, dated 15.04.2023. Respondent No.2 has lodged the present complaint by giving a criminal colour to the civil disputes pending between the parties, instead of approaching the competent Civil Court. Hence, the continuation of the proceedings against the petitioners would amount to an abuse of the process of law.

3.1. He further submits that the offences alleged against the petitioners are punishable with imprisonment of less than seven years and that the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') and the guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of***

Bihar[1] is proceeding further with the investigation, which is contrary to law.

4. *Per contra*, the learned Additional Public Prosecutor submits that specific allegations have been levelled against the petitioners in the complaint. It is alleged that the petitioners, without having any right over the subject property, trespassed into the same and caused damage thereto. Whether the allegations levelled in the complaint are true or not, the same has to be revealed during the course of investigation especially when the investigation is at the threshold. The Investigating Officer has recorded the statement of L.W.1 and the investigation is in progress. At this stage, the petitioners are not entitled to seek quashing of the proceedings against them. However, as 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 Supreme Court in ***Arnesh Kumar*** (supra). However, the petitioners are avoiding service of notice under Section 35(3) of the BNSS and are not cooperating with the investigation.

[1] (2014) 8 SCC 273

5. By way of reply, learned counsel for the petitioners submits that the petitioners will cooperate with the investigation and submit their reply/explanation, along with the relevant documents, before the Investigating Officer.

6. Having considered the rival submissions made by the learned counsel for the petitioners and the learned Additional Public Prosecutor, and upon perusal of the material available on record, it revealed that the dispute between the parties arises out of the Agreement-cum-General Power of Attorney, 15.04.2023. The specific allegations against the petitioners are that, without having any right over the subject property, they trespassed into the same, damaged the water tank, removed the name boards and carried out levelling work using a JCB. Whether the allegations levelled in the complaint are true or not, the same will be revealed during the course of the investigation. The offences alleged 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 the guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar*** (supra).

7. Taking into consideration the peculiar facts and circumstances of the case, the petitioners are directed to appear before the Investigating Officer on or before 17.10.2026. The Investigating Officer is directed to follow the procedure contemplated under Section 35(3) of the BNSS and the guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar*** (supra). It is needless to mention that, upon receipt of notice under Section 35(3) of the BNSS, the petitioners are at liberty to submit their explanation, raise any grievance, if any and produce the relevant documents available with them before the Investigating Officer. The petitioners shall also cooperate with the investigation.

8. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VII Additional Judicial First-Class Magistrate, Malkajgiri District.
2. The Station House Officer, Shamirpet Police Station, Malakjgiri District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri Ventrapragada Aravind, Advocate [OPUC]
5. Two CD Copies

DL/BA

HIGH COURT

DATED: 08/10/2026



ORDER

CRLP.No.16616 of 2026

DISPOSING OF THE CRIMINAL PETITION

63 copies
16/10/26