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: 16492 OF 2026

Between:

1. Manikyarao Sandeep Rao, S/o Manikyarao Sampath Rao Aged 40 years, Occ: Private Employee R/o HNo 22-8-110 Balaji Nagar Doctors Colony Phase-II Warangal Telangana-506007
2. Manikyarao Sampath Rao, S/o Mari ManikyaraoAged about 72 years, Occ: Pastor, R/o HNo 22-8-110 Balaji Nagar Doctors Colony Phase-II Warangal Telangana-506007
3. Manikyarao Shailaja, W/o Manikyarao Sampath Rao Aged about 65 years Housewife R/o H.No.22-8-110 Balaji Nagar Doctors Colony Phase-II Warangal Telangana-506007 Presently suffering from serious cardiac ailments and has recently undergone cardiac procedure

...Petitioner/Accused No.1 to 3

AND

1. The State of Telangana, rep. by its Public Prosecutor High Court of Telangana at Hyderabad
2. T Hephzibah Grace, W/o Manikyarao Sandeep Rao Age 34 Years, Occ: Housewife, R/o Flat No 304 4th Floor Sr Residency Apartments Neredmet New Vidya Nagar Neredmet Hyderabad-500056.

...Respondents/Respondents

Petition under Section 528 of BNSS (old section 482 of Cr.P.C) praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the in FIR No.797 of 2026 dated 17/09/2026 on the file of Neredmet Police Station Malkajgiri Commissionerate as the same is untenable either on facts or under law.

I.A. NO: 2 OF 2026

Petition under Section 528 of BNSS (old section 482 of Cr.P.C)praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all further proceedings FIR No.797 of 2026 dated 17092026 on the file of Neredmet Police Station Malkajgiri Commissionerate.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Jwala Prasad, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of 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.16492 of 2026

CNR No.HBHC010693162026

Date: 07.10.2026

Between:

Manikyarao Sandeep Rao and 2 others

...Petitioners

AND

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 3 seeking to quash the proceedings in Crime No.797 of 2026 of Neredmet Police Station, Malkajgiri District, registered for the offence punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

2. Heard Mr.Jwala Prasad, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing 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 any offence and have been falsely implicated in the present crime. Even according to the allegations levelled in the complaint, the ingredients of the offence under Section 85 of the BNS are not attracted. The alleged allegations pertain to the period when accused No.1 and respondent No.2 were residing in Scotland. The SHO, without obtaining prior sanction from the Central Government as required under Section 208 of the BNSS, registered the crime and proceeded with the investigation, and the same is contrary to law. He further submits that respondent No.2 implicated petitioner Nos.2 and 3, who are the parents of accused No.1, by making omnibus allegations, especially, there are no allegations, much less specific allegations, against them about harassing her. Respondent No.2 never lived with petitioner Nos.2 and 3 after her marriage. Hence, continuation of the proceedings against the petitioners is a clear abuse of the process of law. He further submits that the offences alleged against the petitioners are punishable with imprisonment for a term of less than seven years. However, the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik

Suraksha Sanhitha, 2023 (for short 'BNSS') and the guidelines issued by the Apex Court in ***Arnesh Kumar Vs. State of Bihar***[1], is proceeding with the investigation and the same is contrary to law.

5. *Per contra*, learned Additional Public Prosecutor submits that there are specific allegations levelled against the petitioners about the harassment made by the petitioners, including physical harassment. Whether the allegations levelled in the complaint are true or not will be revealed during the course of investigation. The allegations levelled in the complaint pertain to the period when the respondent was not in India. Hence, permission as required under Section 208 of the BNSS is not required from the Central Government, especially at this stage. He further submits that the Investigating Officer intends to follow the procedure contemplated under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar (supra)*** on the ground that the alleged offences levelled against the petitioners are punishable with imprisonment of less than seven years. However, the petitioners have not been cooperating with the investigation.

6. By way of reply, learned counsel for the petitioners submits that the petitioners will cooperate with the Investigating Officer.

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[1] (2014) 8 SCC 273

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioner No.1 and respondent No.2 are wife and husband. Even according to the learned counsel, the marital relationship is subsisting. The disputes arise out of their matrimonial life. However, 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. Taking into consideration the peculiar facts and circumstances of the case and also the submissions made by the respective parties, the petitioners/accused Nos.1 to 3 are directed to appear before the Investigating Officer on or before 27.10.2026, and on such appearance, the Investigating Officer is directed to issue notice under Section 35(3) of BNSS and follow the guidelines issued by the Apex Court in ***Arnesh Kumar*** (supra). It is needless to mention that the petitioners/accused Nos.1 to 3 are entitled to put forth their grievance upon receipt of the notice under Section 35(3) of the BNSS and are also entitled to submit the documents, if any, which are in their possession.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/-C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Junior Civil Judge cum I Additional Judicial First Class Magistrate Medchal-Malkajgiri District at Kushaiguda
2. The Station House Officer, Neredmet Police Station, Malkajgiri
3. One CC to SRI. JWALA PRASAD Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

ADK/GNK

HIGH COURT

DATED: 07/10/2026



ORDER

CRLP.No.16492 of 2026

DISPOSING OF THE CRLP

(8) kpr 14/10/26