IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16672 OF 2026

Between:

1. Dr D Sandhya, W/o Dr D Shyam Prasad, Aged about 43 years Occ Medical Officer R/o District Health Centre Station Ghanpur Jangaon District.
2. Dr D Shyam Kumar (Shyam Prasad) S/o D Sambaiah, Aged about 46 years Occ Medical Officer, R/o Primary Health Centre Kondaparthi Village, Inovolu Mandal Hanumakonda District.

...Petitioner/Accused Nos. 4 & 5

AND

1. The State of Telangana, Rep by its Public Prosecutor High Court for the State of Telangana at Hyderabad. **...Respondent/Complainant**
2. Sai Supraja Jella, W/o Saveen, Aged about 34 years Occ Housewife R/o Goleti Village Rebbena Mandal Kumaram Bheem Asifabad District

...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 in FIR No330 of 2026 on the file of PS Rebbana Kumarambheem Asifabad District only to an extent of Accused Nos. 4 & 5.

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 stay all further proceedings in FIR No. 330 of 2026 on the file of PS Rebbana Kumarambheem Asifabad District only to an extent of Accused Nos. 4 and 5 pending finalization of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Jelli Kanakaiah, representing Sri Narendar Jalli. Advocate for the Petitioner and the Mr. Jithender Rao Veermalla. 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.16672 of 2026

CNR No.: HBHC010696652026

Date: 09.10.2026

Between:
Dr.D.Sandhya and another

...Petitioners

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.4 and 5 seeking to quash the proceedings in Crime No.330 of 2026 of Rebbana, Police Station, Kumrambhem Aaifabad District, registered for the offences punishable under Sections 85 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short 'D.P.Act').

2. Heard Mr.Jelli Kanakaiah, learned Senior Counsel representing Mr.Narendar Jalli, 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. He further submits that petitioner No.1 is the sister and petitioner No.2 is the brother-in-law of accused No.1 and at no point of time, respondent No.2 and accused No.1 lived with the petitioners. Therefore, the question of harassment by the petitioners for additional dowry or subjecting respondent No.2 to physical and mental harassment does not arise. The petitioners are Medical Officers and are residing in Jangaon and Hanamkonda Districts. He further submits that accused No.1 and respondent No.2 are residing in Australia and respondent No.2 filed the present complaint before the Rebbana Police Station, Kumuram Bheem Asifabad District, though no part of the cause of action arose within the jurisdiction of the said Police Station.

5. He further submits that the ingredients of the offences under Sections 85 of the BNS and Sections 3 and 4 of the D.P.Act are not attracted against the petitioners and 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 submits that there are specific allegations levelled against the petitioners regarding the harassment caused by them to respondent No.2 and the suppression of the fact of the mental illness of accused No.1. 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 submitted that the Investigating Officer wants to follow the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in ***Arnesh Kumar*** (supra) on the ground that the offences levelled against the petitioners are punishable with imprisonment less than years. However, the petitioners are avoiding to receive the notice Section 35(3) of BNSS and not cooperating with the Investigating Officer.

[1](2014) 8 SCC 273

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the marriage of accused No.1 and respondent No.2 was performed on 24.05.2020, and thereafter, marital disputes arose between them. The petitioners are the sister and brother-in-law of accused No.1. The record further discloses 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 same, 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) and the petitioners are entitled to submit reply/explanation along with the documents, which are available with them, to the Investigating Officer.

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 Asifabad.
2. The Station House Officer, Rebbana Police Station, Kumrambhem Asifabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri. Narendar Jalli, Advocate [OPUC]
5. Two CD Copies

DL/GNK

HIGH COURT

DATED: 09/10/2026



ORDER

CRLP.No.16672 of 2026

DISPOSING OF THE CRIMINAL PETITION

(8)
PVL
15/10/2026