IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16838 OF 2026

Between:

1. Prabhakar Rao Mande, S/o. late Prasad Rao Aged about 74 years, Occ. Retd. Employee, H.No.1-170/22, Bikshapathy Enclave, Chandanagar, Serilingampally Mandal, Ranga Reddy District
2. Mary Prathima Mande, W/o. G.Prasanna Kumar Aged about 42 years, Occ. Pvt. Employee, R/o. Kukatpally, Medchal-Malkajgiri District
3. Praveen Kumar Made, S/o. Prabhakar Rao Mande Aged about 45 years, Occ. Pvt Employee, R/o. H.No.1-170/22, Bikshapathy Enclave, Chandanagar, Serilingampally Mandal, Ranga Reddy District
4. Chandana Mande, W/o. Praveen Kumar Made Aged about 33 years, Occ. Business, R/o. H.No.1-170/22, Bikshapathy Enclave, Chandanagar, Serilingampally Mandal, Ranga Reddy District

...PETITIONERS/ACCUSED No. 2 to 5

AND

1. State of Telangana, Represented by Public Prosecutor, High Court Of Judicature
2. Smt. Jyothsna Devi Made, W/o. Mande Pradeep Kumar Aged about 40 years, Occ. Housewife, R/o. H.No.1-170/22, Bikshapathy Enclave, Chandanagar, Serilingampally Mandal, Ranga Reddy District

...RESPONDENTS/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 Quash the proceedings in Crime No.287/2026 U/Sec. 85, 79, 115(2), 351(2), 352 BNS on the file of WPS-IT Corridor Cyberabad against the petitioners/Accused No.2 to 5

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 including arrest of the petitioner in Crime No.287/2026 U/Sec. 85, 79, 115(2), 351(2), 352 BNS on the file of WPS WPS-IT Corridor Cyberabad pending disposal of the main petition for quashing the same.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri I. Sridhar, Advocate for the Petitioners, 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.16838 of 2026
CNR.No. HBHC010700162026

Date: 12.10.2026

Between:

Prabhakar Rao Mande and three others

...Petitioners/Accused Nos.2 to 5

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.2 to 5 seeking to quash the proceedings in Crime No.287 of 2026 of WPS-IT Corridor (Cyberabad), Cyberabad, registered for the offences punishable under Sections 85, 79, 115(2), 351(2), and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

2. Heard Mr. I. Sridhar, learned counsel for the petitioners and Mr. V. Jithender Rao, learned Additional Public Prosecutor for respondent No.1.

3. Learned counsel for the petitioners submits that the petitioners have not committed the alleged offences and have been falsely implicated by respondent No.2 on the ground that petitioner No.1 is the father, petitioner Nos.2 is the sister, petitioner No.3 is the brother and petitioner No.4 is the sister-in-law of accused No.1. At no point to time, respondent No.2 and accused No.1 lived along with petitioners after their marriage. Respondent No.2 voluntarily left the matrimonial house of accused No.1 and lodged the present complaint by making omnibus allegations. Hence, the continuation of the proceedings against the petitioners is a clear abuse of the process of law. He further submitted that the Investigating Officer had already issued notice under Section 35(3) of the BNSS to petitioner Nos.2 to 4 on 01.08.2026 and to petitioner No.1 on 06.08.2026 and pursuant to the same, the petitioners have appeared before the Investigating Officer. In spite of the same, the Investigating Officer is summoning the petitioners to the police station and threatening them to settle the issue with respondent No.2.

4. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled in the complaint against the

petitioners. Subsequent to issuance of notice to the petitioners, they are entitled to put forth their grievances and also entitled to submit documents, if any, in their possession. In spite of the same, the petitioners have approached this Court and filed the present criminal petition seeking to quash the proceedings, which is not permissible under law. The investigation is under progress and the Investigating Officer recorded the statements of LW.1 to LW.6 and he is not summoning the petitioners to the police station and the petitioners shall cooperate with the investigation.

5. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that petitioner No.1 is the father, petitioner Nos.2 is the sister, petitioner No.3 is the brother and petitioner No.4 is the sister-in-law of accused No.1. Respondent No.2 is the wife of accused No.1 and matrimonial issues arose between them when their marriage is subsisting. Whether the allegations levelled in the complaint are true or not, the same will be revealed during the course of investigation. Even according to the learned counsel for the parties, the Investigating Officer had issued notice under Section 35(3) of the BNSS to the

petitioner Nos.2 to 4 on 01.08.2026 and to petitioner No.1 on 06.08.2026.

6. Hence, this Court is of the considered view that the petitioners are entitled to submit reply to the notice under Section 35(3) of the BNSS, by raising all the pleas which are available to them, and they are also entitled to submit the documents, if any, which are in their custody, to the Investigating Officer. The Investigating Officer is further directed to scrupulously follow the procedure contemplated under the provisions of the BNSS, and also the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***[1].

7. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

1(2014) 8 SCC 273

SD/-L VIJAYA LAXMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The 1st Additional Junior Civil Judge-Cum-IX Additional Judicial Magistrate of 1st Class, R.R. District at Kukatpally
2. The Station House Officer, Women Police Station-IT Corridor, Cyberabad
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri I. Sridhar, Advocate [OPUC]
5. Two CD Copies

VH/ABK

HIGH COURT

DATED: 12/10/2026

ORDER

CRLP.No.16838 of 2026



DISPOSING OF THE

CRIMINAL PETITION

(8)
17/10/26
K.K