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: 16773 OF 2026

Between:

Sadavath Ramakanth @ Ramakant Narahari Sadwarte, S/o Narahari, Aged about 40yrs, Occ. Police Constable, Hingoli, R/o Building No.15, Room No.113, New Police Colony, Hingoli, Maharashtra State.

...Petitioner/Accused No.4

AND

1. The State of Telangana, Rep. by its Public Prosecutor High Court for the State of Telangana at Hyderabad.
2. Bagathe Swapna, W/o Munjaji, Aged about 23 yrs, Occ. Housewife, R/o Maratga Village, Hadgoan Tq, Nanded District, Maharashtra State.

...Respondent/De-facto 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 against the Petitioner/Accused No.4 in Crime No. 103/2026 of Sarangapur Police Station, Nirmal District.

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 of all further proceedings including the arrest of the petitioner/Accused No.4 in Crime No. 103/2026 of Sarangapur Police Station, Nirmal District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. D. Satyanarayana, Advocate for the Petitioner and Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the 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.16773 of 2026
(CNR No. HBHC010706552026)

Date: 09.10.2026

Between:
Sadavath Ramakanth @ Ramakant Narahari Sadwarte
...Petitioner/Accused No.4

AND

The 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 petitioner/accused No.4 seeking to quash the proceedings in Crime No.103 of 2026 of Sarangapur Police Station, Nirmal District, registered for the offences punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS') and Section 4 of the Dowry Prohibition Act, 1961.

2. Heard Mr. D.Satyanarayana, learned counsel for the petitioner, and Mr.Jithendar 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 petitioner submitted that the petitioner has not committed any offence and he has been falsely implicated in this crime by making omnibus allegations only on the ground that the petitioner is brother-in-law of accused No.1, especially at no point of time, the petitioner harassed respondent No.2 nor instigated accused No.1 to harass respondent No.2 or made any statement that he is going to perform second marriage to accused No.1. The said allegations were made only for the purpose of harassing the petitioner on the ground that he is a Police Constable and discharging his duties at Hingoli, Maharashtra State. At no point of time, respondent No.2 or accused No.1 lived along with the petitioner nor the petitioner contacted them. Hence, continuation of the proceedings against the petitioner is a clear abuse of the process of law.

4. He further submitted that the offences levelled against the petitioner are punishable with imprisonment of less than seven years and the Investigating Officer without following the mandatory procedure as prescribed under Section 35(3) of the 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 submitted that there are specific allegations levelled in the complaint that the petitioner instigated accused No.1 to torture respondent No.2 and stated that he would perform second marriage to accused No.1. The said allegation attracts the ingredients of Section 85 of the BNS. Whether the allegations levelled in the complaint are true or not, the same will be revealed during the course of investigation, especially the investigation is under progress. At this stage, the petitioner is not entitled to seek for seeking quashing of the proceedings.

6. He further submitted that the offences levelled against the petitioner are punishable with imprisonment of less than seven years and when the Investigating Officer is trying to serve the notice under Section 35(3) of the BNSS to the petitioner, he is avoiding receiving the notice and not cooperating with the investigation.

7. Having considered the submissions made by the respective parties and upon perusal of the material available on record, it reveals that accused No.1 and respondent No.2 are none other than the husband and

[1](2014) 8 SCC 273

wife and their marriage was performed on 23.05.2025. During their wedlock, matrimonial disputes arose between them. Respondent No.2 in the complaint made allegation against the petitioner that he being her brother-in-law instigated her husband/accused No.1 to torture respondent No.2. The petitioner also stated that he would perform second marriage to accused No.1. Whether the allegations levelled in the complaint are true or not, the same will be revealed during the course of investigation, especially the investigation is under progress. However, the offences levelled against the petitioner are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer wants to serve the notice under Section 35(3) of the BNSS.

8. In view of the same, the petitioner/accused No.4 is directed to appear before the Investigating Officer on or before 31.10.2026 and on such appearance, the Investigating Officer is directed to scrupulously follow the due procedure as contemplated under the provisions of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** (supra). The petitioner shall cooperate with the investigation. It is needless to mention that the petitioner is entitled to put forth his grievance before the Investigating Officer by raising all the pleas which

are available to him and he is also entitled to submit the documents, which are in his custody.

9. With the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/-C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

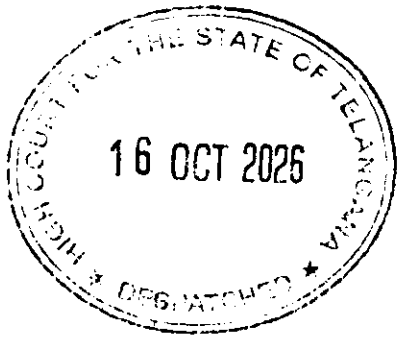
To,

1. The Station House Officer, Sarangapur Police Station, Nirmal District.
2. One CC to Mr. D. Satyanarayana, Advocate [OPUC]
3. Two CCs to Public Prosecutor High Court for the State of Telangana, at Hyderabad [OUT]
4. Two CD Copies

KAM/GNK

HIGH COURT

DATED: 09/10/2026



ORDER

CRLP.No.16773 of 2026

DISPOSING OF THE
CRIMINAL PETITION

15/10/26