IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17470 OF 2026

Between:

1. Kondapelli Maruthi @ Maaruthi, S/o. Mallesham, Age. 28 years, Occupation. Business, R/o. 1-6-201/2, Shantinagar, Metpally, Jagtial District, Telanagana State.
2. Kondapelli Mallesham, S/o. Narsaiah, Age. 49 years, Occupation. Business, R/o. 1-6-201/2, Shantinagar, Metpally, Jagtial District, Telanagana State.
3. Kondapelli Vamshi, S/o. Mallesham, Age. 21 years, Occupation. Business, R/o. 1-6-201/2, Shantinagar, Metpally, Jagtial District, Telanagana State.
4. Kadaminchi @ Kadamanchi Maruthi, S/o. Shankar, Age. 30 years, Occupation. Business, R/o. 1-6-212, Shantinagar, Metpally, Jagtial District, Telanagana State.
5. Kadaminchi @ Kadamanchi Mahesh, S/o.Narsimhulu, Age. 27 years, Occupation. Business, R/o. 1-6-208/6, Aambedkar Nagar, Metpally, Jagtial District, Telanagana State.
6. Teku Nani @ Kumar, S/o.Ellaiah, Age. 20 years, Occupation. Business, R/o. 1-6-20, Shantinagar, Metpally, Jagtial District, Telanagana State.
7. Kondapelli @ Kondapelly Swarupa,, W/o. Mallesham, Age. 46years, Occupation. House Hold, R/o. 1-6-201/2, Shantinagar, Metpally, Jagtial District, Telanagana State.
8. Kondapelli Laxmi @ Madhinam Vijaya Laxmi, D/o. Chandraiah, Age. 30 years, Occupation. House Hold, R/o. 1-6-201/2, Shantinagar, Metpally, Jagtial District, Telanagana State.
9. Kondapelli@ Kadamanchi Jyothi, W/o. Maruthi, Age. 27years, Occupation. House Hold, R/o. 1-6-212, Shantinagar, Metpally, Jagtial District, Telanagana State.
10. Kadaminchi Suvarna @ Kadamanchi Sona, W/o. Mahesh, Age. 25years, Occupation. House Hold, R/o. 1-6-208/6, Ambedkar Nagar, Metpally, Jagtial District, Telanagana State.

11. Teki Akhia @ Kondapelly Akhila. D/o. Mallesham, Age. 19 years. Occupation. Student. R/o. 1-6-201/2, Shantinagar, Metpally, Jagtial District, Telanagana State

...PETITIONER/ACCUSED No. 1to 11

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court, at Hyderabad for the State of Telangana.
2. Shobha Sanku, W/o.Srinu, Age. 38 years, Occ. Housewife, R/o. Shantinagar, Metpally, Jagtial District, Telanagana 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 the proceedings against the petitioners/Accused No.1 to 11 in FIR No.342 of 2026 on the file of the SHO, Metpally PS, Jagtial District

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 grant stay of all further proceedings against the petitioners/Accused in FIR No.342 of 2026 on the file of the SHO, Metpally PS, Jagtial District 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 ALLURI DIVAKAR REDDY, Advocate for the Petitioners and Sri 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.17470 of 2026
CNR No: HBHC010731342026

Date: 28.10.2026

Between:

Kondapelli Maruthi and 10 others ...Petitioners/accused Nos.1 to 11

AND

The State of Telangana and another ...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in F.I.R.No.342 of 2026 of Metpally Police Station, Jagtial District, wherein the petitioners were arrayed as accused Nos.1 to 11, for the offences punishable under Sections 296(b), 115(2), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Mr. Alluri Divakar Reddy, learned counsel for the petitioners, 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 submitted 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 ingredients of the offence under Sections 296(b), 115(2), 351(2) read with 3(5) of the BNS are not attracted. Respondent No.2 lodged the present compliant by making omnibus allegations. The petitioners neither instigated Respondent No. 2 or her family members nor beaten her husband. Initially, the crime was registered for the offences punishable under the aforesaid provisions, read with Section 3(5) of the BNS, and subsequently, the offence under Section 115(2) was altered to Section 117(2) of the BNS. He further submitted that the offences levelled against the petitioners 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.

[1](2014) 8 SCC 273

5. *Per contra*, learned Additional Public Prosecutor submitted that the husband of de-facto complainant sustained grievous injuries in the hands of the petitioners. There are specific allegations levelled against the petitioners to attract the above said offences. Whether the allegation levelled against the petitioners are true or not, the same has to be revealed during the course of investigation, especially, the investigation is under progress. Hence, the petitioners are not entitled to seek quashment of the proceedings against them. However, offences levelled against the petitioners are punishable with imprisonment of less than seven years, the Investigating Officer had already issued notice under Section 35(3) BNSS to petitioner Nos.2 to 9/accused Nos.2 to 9 on 27.09.2026 and when the Investigating Officer is trying to follow the same procedure as contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in ***Arnesh Kumar (supra)*** in respect of petitioner Nos.1, 10 and 11/accused Nos.1, 10 and 11, they are not cooperating with the investigation.

6. Learned counsel for the petitioners by way of reply submitted that the petitioner Nos.1, 10 and 11/accused Nos.1, 10 and 11 will cooperate with the investigation.

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, including written instructions furnished by the learned Additional Public Prosecutor, it reveals that 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 had already issued notice under Section 35(3) of the BNSS to petitioner Nos.2 to 9/accused Nos.2 to 9.

8. In view of the same, the petitioner Nos.1, 10 and 11/accused Nos.1, 10 and 11, are directed to appear before the Investigating Officer on or before 06.11.2026 and on such appearance, the Investigating Officer is directed to follow the procedure contemplated under the provisions of the BNSS, and also the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra) and the petitioner Nos.1, 10 and 11/accused Nos.1, 10 and 11 shall cooperate with the investigation. It is needless to mention that the petitioner Nos.1, 10 and 11/accused Nos.1, 10 and 11 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.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

Sd/- P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Metpally Police Station, Jagtial District
2. One CC to SRI. ALLURI DIVAKAR REDDY Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
4. Two CD Copies

GV

HIGH COURT

DATED: 28/10/2026

ORDER

CRLP.No.17470 of 2026



DISPOSING OF THE CRIMINAL PETITION

4.11.26