IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17557 OF 2026

Between:

Yarra Gowthami, D/o Kanna Rao, Aged about 36 years, R/O. HAL Raghavendra Colony, Quthubullapur, Medchal-Malkajgiri Dist, TG N/o Jaggayyapet, Andhra Pradesh.

...Petitioner/Accused.2

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad.
2. The Station House Officer, Bowenpally Police Station, Malkajgiri.
3. Nimmala Gopal, S/o Late Bucha Rao, Aged about 40 years, Occ. Pvt Emp, R/o Flat 108, Sai Darshan Apartments, New Bowenpally, Hyderabad, TG

...Respondents/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 FIR No.570 of 2026, Dated 01.10.2026, on the file of Bowenpally Police Station, Malkajgiri, Telangana against the Petitioners for the offence punishable U/s. 316(2), 318(4) r/w 3(5) BNS.

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 with all further proceedings in FIR No.570 of 2026, Dated 01.10.2026, on the file of Bowenpally Police Station, Malkajgiri, Telangana against the Petitioners.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Ms. Manasvi Singh, representing Sri M Keshav Yadav, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Aditional Public Prosecutor on behalf of the Respondent No.1 & 2 and of None appeared for the Respondent No. 3.

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.17557 of 2026

(CNR.No. HBHC010733992026)
Date: 26.10.2026

Between:

Yarra Gowthami

...Petitioner

AND

The State of Telangana and 2 others

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.2 seeking to quash the proceedings in Crime No.570 of 2026 of Bowenpally Police Station, Malkajgiri District, registered for the offence punishable under Sections 316(2) and 318(4) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Ms.Manasvi Singh, learned counsel representing Mr.M.Keshav Yadav, learned counsel for the petitioner and

Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent Nos.1 and 2.

3. With their consent, the criminal petition is disposed of at the stage of admission.

4. Learned counsel for the petitioner submits that the petitioner has not committed the alleged offence and has been falsely implicated in the present crime. There are no specific allegations, much less any specific allegations, levelled against the petitioner, and the petitioner's name is not mentioned in the complaint. The allegations levelled in the complaint are purely civil in nature and relate to monetary transactions. Respondent No.3 ought to have approached the competent civil court; on the other hand filed the present complaint by giving a criminal colour. She further submits that the offences under Sections 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (BNS), cannot go together, in view of the principle laid down by the Hon'ble Apex Court in ***Delhi Race Club (1940) Ltd. & Ors vs. State of Uttar Pradesh & Anr***[1]. Hence, the continuation of the proceedings against the petitioner is a clear abuse of the process of law.

---

[1] (2024) 10 SCC 690

4.1 She further submitted that the offence levelled against the petitioner are punishable with imprisonment of less than seven years and 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***[2], is proceeding further in the matter and the same is contrary to law.

5. *Per contra*, the learned Additional Public Prosecutor submits that specific allegations have been levelled in the complaint that accused No.1 appointed the petitioner as the General Manager of CDS Path Labs and the petitioner, along with the other accused, induced respondent No.3 and other victims to invest money. The said allegations attract the ingredients of Sections 316(2) and 318(4) of the BNS. Whether the allegations levelled in the complaint are true or not has to be ascertained during the course of the investigation. He further submits that the Investigating Officer had already served notices under Section 35(3) of the BNSS on accused Nos.3 and 4 on 15.10.2026, and accused No.1 was arrested

[2](2014) 8 SCC 273

on 14.10.2026. He further submits that, when the Investigating Officer attempted to serve a notice under Section 35(3) of the BNSS on the petitioner, the petitioner avoided receiving the said notice and failed to cooperate with the investigation. Hence, the petitioner is not entitled to seek any relief in the present Criminal Petition.

6. By way of reply, learned counsel for the petitioner submitted that petitioner will cooperate with the investigation, and submit her reply/explanation along with relevant documents.

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the offences alleged against the petitioner are punishable with imprisonment for a term of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer had already served notices under Section 35(3) of the BNSS on accused Nos.3 and 4 on 15.10.2026. The Investigating Officer intends to follow the very same procedure in respect of the petitioner.

8. Taking into consideration the peculiar facts and circumstances of the case, the petitioner is directed to appear

before the Investigating Officer on or before 06.11.2026 and the Investigating Officer is directed 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). It is needless to mention that the petitioner is entitled to put forth her grievance, if any, upon receipt of notice under Section 35(3) of the BNSS, and produce all documents available with her before the Investigating Officer. The petitioner shall also cooperate with the investigation.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- K. BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XI Additional Chief Judicial Magistrate of Secunderabad.
2. The Station House Officer, Bowenpally Police Station, Malkajgiri.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri M Keshav Yadav, Advocate [OPUC]
5. Two CD Copies

DL/GNK
pmg.

HIGH COURT

DATED: 26/10/2026

ORDER

CRLP.No.17557 of 2026



DISPOSING OF THE CRIMINAL PETITION

8 pmc
31/10/26