IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17646 OF 2026

Between:

1. Chakilam Shyam Sunder, S/o. Bhasker Lingam, Aged 53 years, Occ. Business, Rio. Flat No. 408, Maruthi Homes, New Maruthi Nagar, Kothapet, Saroornagar, Ranga Reddy District.
2. Chakilam Jayasree, W/o. Chakilam Shyam Sunder, Aged 39 years, Occ. Housewife, R/o. Flat No. 408, Maruthi Homes, New Maruthi Nagar, Kothapet, Saroornagar, Ranga Reddy District.
3. Chakilam Sai Deekshith, , S/o. Chakilam Shyam Sunder, Aged 24 years, Occ. Student, R/o. Flat No. 408, Maruthi Homes, New Maruthi Nagar, Kothapet, Saroornagar, Ranga Reddy District.
4. Chakilam Sai Bharadwaj, S/o. Chakilam Shyam Sunder, Aged 23 years, Occ. Student, R/o. Flat No. 408, Maruthi Homes, New Maruthi Nagar, Kothapet, Saroornagar, Ranga Reddy District.

...PETITIONERS/ACCUSED

AND

1. The State of Telangana, Represented through Public Prosecutor, High Court of Telangana, Hyderabad.
2. Smt. Kandi Jaya, W/o. Ramakrishna, aged: major, Occ. Housewife, R/o. H.No. 14-2-130, Bellampally Basti, Bellampally, Mancherial

...RESPONDENTS/COMPLAINANTS

Petition under Section 482 of Cr.P.C R/w 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 impugned proceedings in F.I.R. No. 1223 of 2026, on the file of the Chaitanyapuri Police Station, Malkajgiri 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 interim stay of all further proceedings in F.I.R. No. 1223 of 2026, on the file of the Chaitanyapuri Police Station, Malkajgiri District., including arrest, appearance and attendance of the petitioners / Accused Nos. 1 to 4, pending disposal of the above Criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P DEVENDER , Advocate for the Petitioners and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of Respondent No. 1, (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.17646 of 2026

CNR No.: HBHC010738822026

Date: 05.11.2026

Between:
Chakilam Shyam Sunder and three others

...Petitioners

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 4 seeking to quash the proceedings in Crime No.1223 of 2026 of Chaitanyapuri Police Station, Medchal-Malkajgiri District, registered for the offences punishable under Sections 74, 115(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS'), and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SC/ST (PoA) Act').

2. Heard Mr.P.Devender, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. Learned counsel for the petitioners seeks permission of this Court to withdraw the present criminal petition in respect of petitioner No.1 and requested this Court to grant liberty to avail the remedies as available under law.

4. Permission is accorded. Accordingly, the Criminal Petition is dismissed as withdrawn insofar as petitioner No.1 is concerned, granting liberty as sought for.

5. Learned Additional Public Prosecutor submits that, pursuant to the order dated 27.10.2026, the concerned Investigating Officer has informed respondent No.2 about the filing of the present criminal petition.

6. In spite of said intimation, respondent No.2 has not chosen to enter appearance. Hence, this Court has no option except to proceed with the matter.

7. Learned counsel for the petitioners/accused Nos.2 to 4 submits that the petitioners have not committed the alleged offences and have been falsely implicated in the present case. The petitioners have neither abused respondent No.2 in the name of her caste nor physically assaulted her. The allegations of physical assault levelled in the complaint are entirely against accused No.1.

The petitioners are the wife and children of accused No.1 and have been implicated in the present case by making omnibus allegations. Based on the very same incident, accused No.1 lodged a complaint before the Chaitanyapuri Police Station on 10.10.2026. Based on the said complaint, Crime No.1222 of 2026 was registered for the offences punishable under Sections 329(4), 324(4) and 115(2) of the BNS. Respondent No.2 lodged the present complaint only as a counterblast, with an intention to harass the petitioners, and the same is clear abuse of the process of law.

8. 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.

9. *Per contra*, learned Additional Public Prosecutor submits that there are specific allegations in the complaint that the

[1](2014) 8 SCC 273

petitioners, along with accused No.1, abused respondent No.2 in the name of her caste and physically assaulted her. 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 submits 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, when the investigating officer is trying to serve notice under Section 35(3) BNSS, the petitioners are avoiding to receive the same and not cooperating with the investigation.

10. By way of reply, learned counsel for the petitioners submits that the petitioners will cooperate with the Investigating Officer.

11. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals 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).

12. In view of the above, the petitioners/accused Nos.2 to 4 are directed to appear before the Investigating Officer on or before 16.11.2026 and submit reply/explanation along with the documents, which are available with them, to the Investigating Officer. 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).

13. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

Sd/- L. USHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Additional Metropolitan Magistrae cum IV AJCJ at L.B.Nagar
2. The Station House Officer, Chaitanyapuri Police Station, Malkajgiri
3. One CC to SRI. P DEVENDER, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

ADK/pr

HIGH COURT

DATED: 05/11/2026

ORDER

CRLP.No.17646 of 2026



DISPOSING OF THE CRLP

12/11/26