IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17970 OF 2026

Between:

Dr G Narasimha Naidu Guriginjakunta, S/o Mr Shivaramappa Naidu Guriginjakunta Aged about 44 years Occ: Medical Professional Permanent R/o H.No. 11/41 Mudevandla Palli Veeraballi Annamayya District Andhra Pradesh 516268

Present R/o:R.Do. 791, Todd Hunter Drive, Corpus Christi, Texas, United States, Pin Code 78414.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana, Hyderabad
2. Dr. G. Anan Divya, W/o Dr. G. Narasimha Naidu Guriginjakunta, D/o Late G. Shoba Rani, Occ: Dermatologist, R/o Flat No. 65, Orange Pratishta, Vemunguta, Sainikpuri, Hyderabad 500084.

...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 the FIR No 993 of 2026 Dated 02-06-2026 of Gachibowli Police Station Cyberabad against the Petitioner/Accused to meet the ends of Justice insofar as the Petitioner is concerned as the same is illegal arbitrary and an abuse of the process of law.

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 a stay of all further proceedings including the appearance of the Petitioner/Accused in connection with FIR No 993/2026 Dated 02-06-2026 of Gachibowli Police Station Cyberabad 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 G Eswaraiah , Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the 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.17970 of 2026
CNR.No. HBHC010746552026
Date 30.10.2026

Between:
Dr.G.Narasimha Naidu Guriginjakunta

...Petitioner

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused seeking to quash the proceedings in F.I.R.No.993 of 2026 of Gachibowli Police Station, Cyberabad, for the offences punishable under Section 137(2) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Mr.G.Eshwaraiah, learned for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. With the consent of both the learned counsel, 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 offences and respondent No.2 has falsely

implicated the petitioner in the present crime by making omnibus allegations, on the ground that matrimonial disputes are pending between them, and has filed the present complaint with an intention to settle the said disputes. He further submits that the petitioner is a citizen of the USA and his daughter is with him. Hence, the question of kidnapping his own daughter does not arise. He further submits that respondent No.2 had filed G.W.O.P.No.53 of 2026 before the VI Additional District and Sessions Judge, Ranga Reddy District at Kukatpally. seeking custody of the minor daughter, and the said G.W.O.P. is pending. Respondent No.2 also filed a complaint before the District Court, East Central Judicial District, State of North Dakota, County of Cass, against the petitioner, and the said case was dismissed on 29.10.2026. Respondent No.2 also filed D.V.C.No.95 of 2023 and M.C.No.185 of 2023, and subsequently, respondent No.2 herself withdrew the said cases on 02.07.2026 and 16.07.2026, respectively. Thereafter, petitioner filed H.M.O.P.No.25 of 2026 before the Senior Civil Judge, Rayachoty, seeking dissolution of marriage against respondent No.2, and the same is pending. Hence, the continuation of the proceedings against the petitioner would amount to a clear abuse of the process of law.

4.1. He further submits that the offence levelled against the petitioner is punishable with imprisonment of less than seven years and the Investigating Officer had already issued a notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') to the petitioner. Pursuant to the said notice, the petitioner submitted his explanation/reply on 08.06.2026. Inspite of the same, the Investigating Officer is proceeding with the investigation, which is contrary to law.

5. *Per contra*, learned Additional Public Prosecutor submits that, since the offence levelled against the petitioner is punishable with imprisonment of less than seven years, the Investigating Officer had issued a notice under Section 35(3) of the BNSS to the petitioner and, pursuant to the said notice, the petitioner submitted his explanation/reply. He further submits that the Investigating Officer will follow the procedure as contemplated under the provisions of the BNSS.

6. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the offence levelled against the petitioner is punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer had issued a notice under Section 35(3) of the BNSS to the petitioner on 03.06.2026

and, pursuant to the said notice the petitioner submitted his explanation/reply on 08.06.2026.

7. In view of the above, the Investigating Officer is directed to scrupulously follow the procedure as contemplated under Section 35(3) of the BNSS and follow the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar***[1].

8. Accordingly, 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 X Additional Metropolitan Magistrate Kukatpally at Prashanth Nagar, Cyberabad.
2. The Station House Officer, Gachibowli Police Station, Cyberabad District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri G Eswaraiah, Advocate [OPUC]
5. Two CD Copies

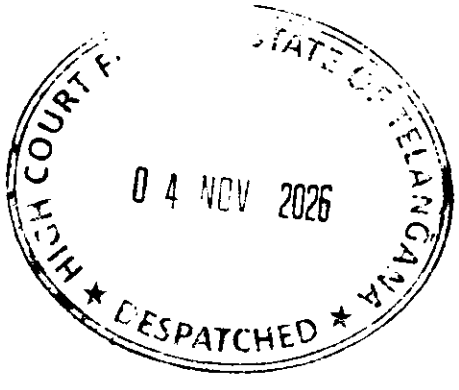
Sa/GNK

HIGH COURT

DATED: 30/10/2026

ORDER

CRLP.No.17970 of 2026



DISPOSING OF THE CRIMINAL PETITION

(8)
TP
03/11/26