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: 17889 OF 2026

Between:

1. Tangedipally Jangaiah @ Thangellapalli Jangaiah, S/o. Anthaiah, Aged about 58 years, Occ. Agriculture, R/o. H.No. 1-53/3, Mogiligidda Village, Farooqnagar Mandal, Ranga Reddy District, Telangana.
2. Tangedipally Srinivas @ T. Srinivasulu, S/o. Anthaiah, Aged about 39 years, Occ. Agriculture, R/o. H.No. 1-40/1, Mogiligidda Village, Faroognagar Mandal, Ranga Reddy District, Telangana.
3. Tangedipally Yadaiah @ Thangellapalli Yadagiri, S/o. Jangaiah, Aged about 39 years, Occ. Agriculture, R/o. H.No. 1-53/3, Mogiligidda Village, Faroognagar Mandal, Ranga Reddy District, Telangana.

...Petitioners/Accused Nos. 1 to 3

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Manapati Madhusudhan, S/o. Late Ramaiah, Aged about 69 years, Occ. Farmer, R/o. Mogiligidda Village, Farooqnagar Mandal, Ranga Reddy District, Telangana - 509410.

...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 FIR No.911/2026, Dt.13-10-2026 on the file of Shadnagar Police Station, Future City, registered for the offences punishable Under Sections 329(3), 324(4) and 351(2) r/w 3(5) of BNS, 2023 as against the petitioners/Accused Nos.1 to 3.

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 all further proceedings, including arrest of the petitioners/Accused Nos.1 to 3 in

Crime No.911 of 2026. Dated. 13-10-2026, on the file of Shadnagar Police Station, Future City for the offences Under Sections 329(3), 324(4) and 351(2) r/w 3(5) of BNS, 2023 as against the petitioners 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 Mrs. R. Urmila Yadav, representing Sri Chalakani Venkat Yadav, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No. 1 and of 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.17889 of 2026

CNR.No. HBHC010746732026

Date : 28.10.2026

Between:

Tangedipally Jangaiah and 2 others

... Petitioners/accused Nos.1 to 3

AND

The State of Telangana and another

... Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.911 of 2026 of Shadnagar Police Station, Future City, wherein the petitioners were arrayed as accused Nos.1 to 3, registered for the offences punishable under Sections 329 (3), 324(4), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mrs. R.Urmila Yadav, learned counsel representing Mr. Chalakani Venkat Yadav, learned counsel for the petitioners and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor for

respondent No.1. With their consent, this criminal petition is disposed of at the stage of admission.

3. Learned counsel for the petitioners submitted that the petitioners have not committed the alleged offences and have been falsely implicated in the present crime. The allegations levelled in the complaint are purely civil in nature, in respect of immovable property admeasuring 144 square yards. Respondent No.2 ought to have approached a competent civil Court, on the other hand, lodged the present complaint, by giving it a criminal colour. Hence, continuation of the proceedings against the petitioners is a clear abuse of the process of law. He further submitted that the offences alleged 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 'the 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.

4. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled in the complaint about the

[1](2014) 8 SCC 273

petitioners, without having any manner of right, trespassed into the property of respondent No.2. Whether the allegations made against the petitioners are true or not, the same has to be revealed during the course of investigation, especially the investigation is under progress. Since the offences levelled against the petitioners are punishable with imprisonment of less than seven years, when the Investigating Officer is trying to follow the due procedure as contemplated under the provisions of Section 35(3) of the BNSS, the petitioners are evading the receipt of notice and not cooperating with the investigation.

5. Learned counsel for the petitioners by way of reply submitted that the petitioners will cooperate with the investigation.

6. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the dispute between the parties is in respect of immovable property admeasuring 144 square yards. Whether the said allegations are true or not, the same will be revealed during the course of investigation. 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 wants to follow the due procedure as contemplated under the provisions of Section 35(3) of the BNSS.

7. In view of the same, the petitioners 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 petitioners shall cooperate with the investigation. It is needless to mention that the petitioners 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.

8. 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 Additional Judicial First Class Magistrate at Shadnagar.
2. The Station House Officer, Shadnagar Police station, Future City.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri. Chalakani Venkat Yadav, Advocate [OPUC]
5. Two CD Copies

DL

HIGH COURT

DATED: 28/10/2026

ORDER

CRLP.No.17889 of 2026



DISPOSING OF THE CRIMINAL PETITION

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4.11.26
4/11/26