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 NOs: 17848, 17849 and 17863 of 2026

CRIMINAL PETITION NOs: 17848 of 2026

Between:

Sadhuvala Anusha, C/o Sadhuvala Kiran Aged about 35 years Occ Pvt Emp R/o H No 1-116 SC Colony Appalaraopet Nekkonda Warangal Dist TG-506122.

...PETITIONER/ACCUSED NO.3

AND

1. The State of Telangana, Rep by its Public Prosecutor High Court for the State of Telangana Hyderabad
2. The Station House Officer, Trimulgherry Police Station Malkajgiri Hyderabad
3. Ch Mahesh Sub-Inspector of Police, Trimulgherry Police Station Malkajgiri Hyderabad

...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 427 of 2026 dated 19/10/2026 on the file of Trimulgherry Police Station Malkajgiri against the Petitioner/Accused No 3 for the offences punishable under Sections 336(2) 318(2) 340(2) read with Section 3(5) of Bharatiya Nyaya Sanhita 2023 (BNS) in the interest of justice.

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 and investigation in FIR No 427 of 2026 dated 19/10/2026 on the file of Trimulgherry Police Station Malkajgiri Telangana against the Petitioner/Accused No 3 pending disposal of the present quash petition.

CRIMINAL PETITION NO: 17849 OF 2026

Between:

Namburi Maheswari, C/o Namburi Raju, Aged about 29 years, Occ. Pvt Emp. R/o H.No. 2-45. Harizanawada, Kurumaddali. Pamarru, Krishna Dist, AP-521157.

...PETITIONER/ACCUSED NO.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, Trimulgherry Police Station, Malkajgiri, Hyderabad.
3. Ch. Mahesh, Sub-Inspector of Police, Trimulgherry Police Station, Malkajgiri, Hyderabad.

...RESPONDENT/COMPLAINANTS

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. 427 of 2026, dated 19.10.2026, on the file of Trimulgherry Police Station, Malkajgiri, against the Petitioner/Accused No. 2 for the offences punishable under Sections 336(2), 318(2), 340(2) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS) in the interest of justice.

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 and investigation in FIR No. 427 of 2026, dated 19.10.2026, on the file of Trimulgherry Police Station, Malkajgiri, Telangana, against the Petitioner/Accused No. 2, pending disposal of the present quash petition.

CRIMINAL PETITION NO: 17863 OF 2026

Between:

Ujama, C/o Shaik Feroz, Aged about 21 years, Occ.Pvt Emp , R/o H.No. 2-61/5, Khajaguda, Golconda, Hyderabad, TG-500008.

...PETITIONER/ACCUSED NO.4

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. The Station House Officer, Trimulgherry Police Station, Malkajgiri, Hyderabad.
3. Ch. Mahesh, Sub-Inspector of Police, Trimulgherry Police Station, Malkajgiri, Hyderabad.

...RESPONDENTS/COMPLAINANTS

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. 427 of 2026, dated 19.10.2026, on the file of Trimulgherry Police Station, Malkajgiri, against the Petitioner/Accused No. 4 for the offences punishable under Sections 336(2), 318(2), 340(2) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS), in the interest of justice.

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 and investigation in FIR No. 427 of 2026, dated 19.10.2026, on the file of Trimulgherry Police Station, Malkajgiri, Telangana, against the Petitioner/Accused No. 4, pending disposal of the present quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B Aravind Reddy representing Sri M KESHAV YADAV , Advocate for the Petitioners in all CRLPs and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of Respondents in all CRLPs.

The Court made the following: COMMON ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.17848, 17849 and 17863 of 2026

CNR.Nos.HBHC010747372026, HBHC010747262026 and HBHC010747242026

Date : 28.10.2026

Crl.P.No.17848 of 2026:

Between:

Sadhuvala Anusha

...Petitioner/accused No.3

AND

The State of Telangana,
Rep. By its Public Prosecutor,
High Court for the State of Telangana, Hyderabad,
and others

...Respondents

Crl.P.No.17849 of 2026:

Between:

Namburi Maheswari

...Petitioner/accused No.2

AND

The State of Telangana,
Rep. By its Public Prosecutor,
High Court for the State of Telangana, Hyderabad,
and others

...Respondents

Crl.P.No.17863 of 2026:

Between:

Ujama

...Petitioner/accused No.4

AND

The State of Telangana,
Rep. By its Public Prosecutor,
High Court for the State of Telangana, Hyderabad,
and others

...Respondents

COMMON ORDER

These Criminal Petitions have been filed registered for the offences punishable under Sections 336(2), 318(2), 340(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') seeking to quash the proceedings against the petitioners, who are arrayed as accused Nos.2 to 4 in Crime No.427 of 2026 of Trimulgherry Police Station, Malkajgiri District.

2. Heard Mr. B. Aravind Reddy, leaned counsel representing Mr. M.Keshav Yadav, learned counsel for the petitioners and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent Nos.1 to 3. With their consent, these criminal petitions are being disposed of at the stage of admission by way of this common order.

3. Learned counsel for the petitioners submits that the petitioners have not committed the alleged offence and have been falsely implicated in the present crime. It is submitted that the petitioners are working as employees in Natures Beauty Saloon and Spa and the entire allegations are levelled against accused No.1 only. The petitioners have not forged or fabricated any document. Hence, the allegations levelled in the complaint, and the

ingredients for the offence punishable under Sections 336(2), 318(2), 340(2) read with 3(5) of the BNS are not attracted against the petitioners. Thus, continuation of the proceedings against the petitioners is a clear abuse of process of law.

4. *Per contra*, learned Additional Public Prosecutor submits that there are specific allegations levelled against the petitioners in the complaint that accused No.1 along with the petitioners herein are operating the 'spa' styled as "Natures Beauty Saloon and Spa" without obtaining any permission from the competent authority. The petitioners along with accused No.1 are not maintaining any customer MP registers. The Spa is not hiving any professional therapists, qualified doctors or physiotherapists and not maintaining proper cameras inside the spa center. As the investigation is under progress, at this stage, the petitioners are not entitled to seek quash of the proceedings. However, since the offences levelled against the petitioners are below seven years of imprisonment, the investigation officer may be directed to follow the mandatory procedure prescribed under Section 35(3) of the BNSS, 2023.

5. Learned counsel for the petitioners further submits 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.

6. *Per contra*, learned Additional Public Prosecutor submitted that the allegations levelled against the petitioners are punishable with imprisonment of less than seven years and when the Investigation Officer is trying to follow due procedure as contemplated under the provisions of Section 35(3) of the BNSS, the petitioners are evading to receive notice and are not cooperating with the investigation from the date of registration of crime i.e. from 19.10.2026.

7. Upon perusal of the material available on record, it is evident that there are specific allegations levelled in the complaint that the Natures Beauty Saloon and Spa is running without hiving any qualified doctors, physiotherapists and the saloon is not maintaining any customer entry, proper cameras inside the spa centre and are not having Professional Therapists. Whether the petitioners are having any role along with accused No.1 in committing alleged offence in the Natures Beauty Saloon and Spa, or whether the petitioners are only the employees as contended by the learned counsel for the petitioners, the same would be revealed during the course of investigation especially, the investigation is under progress.

[1](2014) 8 SCC 273

Hence, the petitioners are not entitled to seek quashment of the proceedings against them.

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

9. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it evident 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 wants to follow due procedure as contemplated under the provisions of Section 35(3) of the BNSS. In view of the said submission, 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 a 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.

10. Accordingly, the Criminal Petitions are disposed of. There shall be no order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

SD/- P PRAMOD NAIK,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XXII Additional Chief Judicial magistrate at Secunderabad
2. The Station House Officer, Trimulgherry Police Station Malkajgiri Hyderabad
3. One CC to SRI. M KESHAV YADAV, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

ADK

PMG.

HIGH COURT

DATED: 28/10/2026

COMMON ORDER

CRLP.Nos.17848, 17849 and 17863 of 2026



DISPOSING OF ALL CRLPs

WITHOUT COSTS

8 PMG
31/10/26.