IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 18558 OF 2026

Between:

Kodepaka Raghupathi, S/o. Saraiah, Aged about 35 years, Occ Field Assistant, R/o. Narsakkapally Village, Nadikuda Mandal, Hanumakonda District, T.G.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, through, P.S. Regonda through, Public Prosecutor, High Court Hyderabad.

...Respondent

2. Kodepaka Ramya, W/o. Raghupathi, Aged about 25 years, Occ Labourer, R/o. Thirumalagiri Village, Regonda Mandal, Jayashankar Bhupalpally District, T.G.

... De-facto 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 proceedings in Crime No.264 of 2026 of PS Regonda.

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 of all further proceedings in Crime No.264 of 2026 of PS Regonda pending disposal of the quash petition in the interest of Justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Kranthi, Advocate for the Petitioner 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.18558 of 2026

CNR No.HBHC010775122026

Date: 06.11.2026

Between:

Kodepaka Raghupathi

...Petitioner

AND

The State of Telangana, and another.

...Respondents

ORDER

This Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short 'the BNSS') by the petitioner/accused seeking to quash the proceedings in Crime No.264 of 2026 of Regonda Police Station, Jayashankar Bhupalpally District, registered for the offences punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS') and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. Heard Mr.Kranthi, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for respondent No.1.

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 any offence and has been falsely implicated in the present crime. He further submits that the petitioner has neither harassed respondent No.2 nor instigated her to demand additional dowry, as alleged in the complaint, and that the ingredients of the offences punishable under Section 85 of the BNS and Sections 3 and 4 of the Dowry Prohibition Act are not attracted. He further submits that the offences alleged against the petitioner are punishable with imprisonment for a term of less than seven years. However, the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') and the guidelines issued by the Apex Court in ***Arnesh Kumar Vs. State of Bihar***[1], is proceeding with the investigation and the same is contrary to law.

5. *Per contra*, learned Additional Public Prosecutor submits that there are specific allegations levelled in the complaint regarding harassment and demand for additional dowry, and that the

[1] (2014) 8 SCC 273

investigation is under progress. However, the offences levelled against the petitioner are punishable with imprisonment of less than seven years, and the Investigating Officer tried to serve notices under Section 35(3) of the BNSS on petitioner, but he is avoiding receiving the notice and is not cooperating with the investigation. Hence, the petitioner is not entitled to seek quashing of the proceedings.

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

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner and respondent No.2 are husband and wife and that there are matrimonial disputes pending between them. Even according to the learned Additional Public Prosecutor, the Investigating Officer intends to follow the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar (supra).***

8. Taking into consideration the peculiar facts and circumstances of the case and also the submissions made by the learned Additional Public Prosecutor, the petitioner/accused is directed to appear before the Investigating Officer on or before 16.11.2026, and on such

appearance, the Investigating Officer is directed to issue notice under Section 35(3) of BNSS and follow the guidelines issued by the Apex Court in ***Arnesh Kumar*** (supra). It is needless to mention that the petitioner/accused is entitled to put forth his grievance upon receipt of the notice under Section 35(3) of the BNSS and is also entitled to submit the documents, if any, which are in his possession.

9. 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 III Additional Judicial First Class Magistrate at Bhupalpally
2. The Station House Officer, Regonda Police Station, Jayashankar Bhupalpally
3. One CC to Sri Kranthi, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

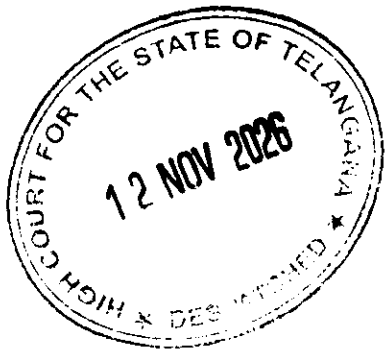
ADK/PR

HIGH COURT

DATED: 06/11/2026

ORDER

CRLP.No.18558 of 2026



DISPOSING OF THE CRLP

(9)

kpr

12/11/26