IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 18850 OF 2026

Between:

1. Nandelli Avinash, S/o Chandrashekar, Age. 41 Years, Occ. Business, R/o H. No. 7-1-515/A1 Flat No 402, Sree Sai Avenue, Mankammathota, Karimnagar.
2. Nandelli Jyotsna, W/o Avinash, Age. 35 Years, Occ. Housewife, R/o H No 7-1-515/A1 Flat No 402, Sree Sai Avenue, Mankammathota, Karimnagar.

...Petitioner/Accused No.1 and 2

AND

1. The State of Telangana, through SHO P.S. Karimnagar II Town, Karimnagar District, Represented by Public Prosecutor, High Court at Hyderabad.

...Respondent

2. Sathish, S/o Satyendra, Age. 33 Years, Occ. Agriculture, R/o Pindora Village, Jahangirpur Mandal, Shamili District, Uttar Pradesh State, Cell:9997936241.

...Respondent/Defacto-Complainant

Petition under Section 528 of B.N.S.S. 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 FIR No. 664 of 2026 of P.S. Karimnagar II Town, Karimnagar District.

I.A. NO: 1 OF 2026

Petition under Section 528 of B.N.S.S. 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 FIR No. 664 of 2026 of PS Karimnagar II Town, Karimnagar District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K Venumadhav, Advocate for the PetitionerS and Sri Jithender Rao Veeramalla, learned 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.18850 of 2026
CNR No.: HBHC010776042026

Date: 13.11.2026

Between:
Nandelli Avinash and another

...Petitioners

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings in Crime No.664 of 2026 of Karimnagar II Town Police Station, Karimnagar District, registered for the offences punishable under Sections 336(3), 340(2) and 318(4) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

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

3. With their consent, the criminal petition is disposed of at the stage of admission.

4. Learned counsel for the petitioners submits that the petitioners have not committed the alleged offences and have been falsely

implicated in the present case. He further submits that the allegations levelled in the complaint are purely civil in nature and respondent No. 2 ought to have approached the competent Civil Court on the other hand filed the present complaint. He further submits that, even according to the allegations levelled in the complaint, the alleged incidents pertain to the jurisdiction of Goa. However, respondent No. 2 filed the present complaint before Karimnagar II Town Police Station, though no part of the cause of action arose within the jurisdiction of Karimnagar. 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.

5. *Per contra*, learned Additional Public Prosecutor submits that there are specific allegations in the complaint against the petitioners regarding their dishonest intention, forgery and collection of a huge amount of Rs. 12 lakhs from respondent No. 2. Whether the

[1](2014) 8 SCC 273

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 submitted 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, the petitioners are not coming forward to receive the notice under Section 35(3) of BNSS and not cooperating with the Investigating Officer.

6. By way of reply, learned counsel for the petitioners submits that the petitioners 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 there are specific allegations in the complaint against the petitioners regarding their dishonest intention, forgery and collection of a huge amount of Rs. 12 lakhs from respondent No. 2. Whether the allegations levelled against the petitioners are true or not will be revealed during the course of investigation. The record further discloses 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).

8. In view of the above, the petitioners are directed to appear before the Investigating Officer on or before 21.11.2026 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).

9. 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 Judicial Magistrate of First Class (Special Mobile) PCR at Karimnagar.
2. The Station House Officer, Karimnagar II Town Police Station, Karimnagar District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri K Venumadhav, Advocate [OPUC]
5. Two CD Copies

GNK/KAM

R.R

HIGH COURT

DATED: 13/11/2026

ORDER

CRLP.No.18850 of 2026



DISPOSING OF THE CRIMINAL PETITION

8 Copies
20/11/26
R.R