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: 18684 OF 2026

Between:

1. Palvai Venkatesh, S/o P. Sudharshan, Aged about 30 years, Occ. Driver, R/o Flat No. G-01, Road No. 8, Srinivasapuram Colony, Gurramguda Village, Balapur Mandal, Ranga Reddy District.
2. Palvai Sudharshan, S/o Late Gopala Krishna Aged about 61 years, Occ. Pvt., Employee, R/o Flat No. G-01, Road No. 8, Srinivasapuram Colony, Gurramguda Village, Balapur Mandal, Ranga Reddy District.

...Petitioner/Accused No.1 & 2

AND

1. The State of Telangana, Through P.S. Hayathnagar, Rep. by Public Prosecutor, High Court for Telangana State, Hyderabad.
2. Smt. Parwathapuram Nandhini, W/o P. Venkatesh Aged about 28 years, Occ. Pvt., Employee, R/o H. No. 3-99, Gattu Thummen Village, Balmur Mandal, Nagarkunrool District.

...Respondents/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 Crime No.189/2026, Dt:09-10-2026 of PS Balmoor against the Petitioner/Accused No. 1 and 2 by allowing this Quash Petition.

I.A. NO: 2 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 all the proceedings in Crime No.189/2026, Dt: 09-10-2026 of PS Balmoor including arrest of the Petitioners during pendency and disposal of the Quash Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Lattupally Anand, 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.18684 of 2026

CNR No. HBHC010777492026

Date: 13.11.2026

Between:

Palvai Venkatesh and another

...Petitioner/accused Nos.1 and 2

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 petitioners/accused Nos.1 and 2 seeking to quash the proceedings in Crime No.189 of 2026 of Balmoor Police Station, Nagarkurnool District, registered for the offences punishable under Sections 85 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short 'the DP Act').

2. Heard Mr. Lattupally Ananad, learned counsel for the petitioners and Mr.V. Jithender Rao, 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 petitioners submits that the petitioners have not committed any offence and have been falsely implicated in the present crime. The petitioners never harassed respondent No.2 by demanding additional dowry or physically or mentally harassing her, and the ingredients of the offences under Section 85 read with Section 3(5) of the BNS and Sections 3 and 4 of the DP Act are not attracted. Respondent No.2 left the matrimonial house of petitioner No.1 and filed the present complaint by making omnibus allegations. Hence, the continuation of proceedings against the petitioners is a clear abuse of the process of law. He further submits that the offences alleged against the petitioners 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*, the learned Assistant Public Prosecutor submits that there are specific allegations levelled in the complaint against the petitioners regarding the demand for additional dowry and gold, as well as the physical harassment made by the petitioners. Whether the allegations levelled in the complaint are true or not will be revealed during the course of the investigation, especially when the investigation is still under progress. However, the offences alleged against the petitioners are punishable with imprisonment for a term of less than seven years. When the Investigating Officer tried to serve notice under Section 35(3) of the BNSS, the petitioners avoiding to receive the same and are not cooperate with the investigation. Hence, the petitioners are not entitled to seek any relief at this stage.

6. By way of reply, learned counsel for the petitioners submits that petitioners will cooperate with the investigation.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioner No.1 and respondent No.2 are none other than husband

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[1] (2014) 8 SCC 273

and wife, and the record discloses that marital disputes have arisen between them. However, the offences alleged against the petitioners are punishable with imprisonment for a term of less than seven years. Whether the allegations levelled in the complaint are true or not will be revealed during the course of the investigation. 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. Taking into consideration the peculiar facts and circumstances of the case and also the submissions made by the respective parties, the petitioners/accused Nos.1 and 2 are directed to appear before the Investigating Officer on or before 21.11.2026, 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 petitioners/accused Nos.1 and 2 are entitled to put forth their grievance upon receipt of the notice under Section 35(3) of the BNSS and are also entitled to submit the documents, if any, which are in their possession.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

Sd/- B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Achampet.
2. The Station House Officer, Balmoor Police Station, Nagarkurnool District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Lattupally Anand, Advocate [OPUC]
5. Two CD Copies

GNK/KAM

HIGH COURT

DATED: 13/11/2026

ORDER

CRLP.No.18684 of 2026



DISPOSING OF THE CRIMINAL PETITION

19/11/26