IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE ELEVENTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NOs: 18600 and 18721 of 2026

CRIMINAL PETITION NO: 18600 OF 2026

Between:

Bheemarapu Sridevi, D/o. Bheemarapu Murali Mohan, Aged about 41 years, Occ. Housewife, R/o. H.No.1-8-724/3, Padma Colony, New Nallakunta, Near Appollo Pharmacy, Hyderabad, Telangana State - 500044.

...PETITIONER/ACCUSED

AND

1. The State of Telangana,, Rep. by its Public Prosecutor, High Court Buildings, High Court, Hyderabad, Through SHO, P.S. INSP Admin (DD), Hyderabad.

...1st Respondent/Complainant

2. Sri Santosh Pandit, S/o. Late Sri Govind Pandit, Aged about 41 years, Occ. Business, R/o. H.No.5-3-274, Hindi Nagar, Goshamahal, Hyderabad, Hyderabad District, Telangana State - 500012.

... 2nd Respondent/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 against the Petitioner/Accused No.3 in Crime No.250 of 2026, dated 28.10.2026, registered by INSP Admin (DD), Hyderabad, on the file of the XII Additional Chief Judicial Magistrate, Hyderabad.

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 for all further proceedings including the appearance of the Petitioner/Accused No.3 in Crime No.250 of 2026, dated 28.10.2026, registered by INSP Admin (DD), Hyderabad, on the file of the XII Additional Chief Judicial Magistrate, Hyderabad, pending disposal of the same.

CRIMINAL PETITION NO: 18721 OF 2026

Between:

Gummadi Venkateswarlu, Gummadi Venkateswarlu, S/o. Gummidi Ramanaiah, Aged about 45 years, Occ. Business, R/o. H.No.1-8-714/3, Padma Colony, New Nallakunta, Near Appollo Pharmacy, Hyderabad, Telangana State - 500044.

...PETITIONER/ACCUSED No.2

AND

1. The State of Telangana,, Rep. by its Public Prosecutor, High Court Buildings, High Court, Hyderabad, Through SHO, P.S. INSP Admin (DD), Hyderabad.

...1st Respondent /Complainant

2. Sri Santosh Pandit,, S/o. Late Sri Govind Pandit, Aged about 41 years, Occ. Business, R/o. H.No.5-3-274, Hindi Nagar, Goshamahal, Hyderabad, Hyderabad District, Telangana State - 500012.

...2ND Respondent/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 against the Petitioner/Accused No.2 in Crime No.250 of 2026, dated 28.10.2026. registered by INSP Admin (DD), Hyderabad, on the file of the XII Additional Chief Judicial Magistrate, Hyderabad at Nampally.

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 for all further proceedings including the appearance of the Petitioner/ Accused No.2 in Crime No.250 of 2026, dated 28.10.2026, registered by INSP Admin (DD), Hyderabad, on the file of the XII Additional Chief Judicial Magistrate, Hyderabad, pending disposal of the same.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri NAGESHWAR RAO PUJARI representing M/S. Disha Law Firm, Advocate for the Petitioners in both CRLPs and Sri M Vivekananda Reddy, Additional Public Prosecutor on behalf of the Respondent No.1 in both CRLPs and none appeared for the Respondent No.2 in both 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 Nos.18600 and 18721 of 2026

CNR Nos.HBHC010777622026 and HBHC010777922026

Date: 11.11.2026

Crl.P.No.18600 of 2026

Between:

Bheemarapu Sridevi

...Petitioner

AND

The State of Telangana, and another.

...Respondents

Crl.P.No.18721 of 2026

Between:

Gummadi Venkateswarlu

...Petitioner

AND

The State of Telangana, and another.

...Respondents

COMMON ORDER

These Criminal Petitions have been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short 'the BNSS') by the petitioners/accused Nos.2 and 3 seeking to quash the

proceedings in Crime No.250 of 2026 of INSP Admin (DD) Police Station, Hyderabad District, registered for the offences punishable under Sections 318 (4) and 316 (2) r/w. 3 (5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

2. Heard Ms.N.Geetha, learned counsel representing M/s. Disha Law Firm, for the petitioners and Mr.M.Vivekanda Reddy, learned Assistant 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. Even the allegations leveled against the petitioners are civil in nature and the ingredients of the offences under Sections 318 (4) and 316 (2) r/w. 3 (5) of the BNS are not attracted. Hence, the continuation of the criminal proceedings against the petitioners is a clear abuse of process of law. She further submitted that the imprisonment for the offences leveled against the petitioners is less than seven years. However, 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. She also submitted that the offences under Sections 318 (4) and 316 (2) of the BNS cannot coexist in view of the principle laid down by the Hon'ble Apex Court in **Delhi Race Club (1940) Ltd. & Ors vs. State of Uttar Pradesh & Anr**[2].

5. *Per contra*, learned Assistant Public Prosecutor submits that there are specific allegations levelled in the complaint that the petitioners, with a dishonest intention, induced the *de facto* complainant. The said allegations *prima facie* disclose cognizable offences, and the investigation is in progress. However, the offences levelled against the petitioners are punishable with imprisonment of less than seven years, and the Investigating Officer had already issued notices under Section 35(3) of the BNSS to the petitioners on 02.11.2026. The petitioners are entitled to put forth their grievances by raising all the pleas available to them, and they are also entitled to submit any documents in their possession to the Investigating Officer.

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[1](2014) 8 SCC 273
[2] (2024) 10 SCC 690

6. By way of reply, learned counsel for the petitioners submits that, as on date, the petitioners have not received notice under Section 35(3) of the BNSS.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the offences levelled against the petitioners are punishable with imprisonment of less than seven years. Even according to the learned Assistant Public Prosecutor, the Investigating Officer had already issued notice under Section 35(3) of the BNSS to the petitioners on 02.11.2026. During the course of hearing, learned counsel for the petitioners, by way of reply, submits that the petitioners have not received the notice under Section 35(3) of the BNSS till date.

8. Taking into consideration the peculiar facts and circumstances of the case and the submissions made by the respective parties, the Investigating Officer is directed to serve notice under Section 35(3) of the BNSS on the petitioners on or before 17.11.2026, if not already served, and to follow the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar's case***. The petitioners are entitled to put forth their grievances by raising all the pleas available to them. They are also entitled to submit any documents in their custody to the

Investigating Officer. The petitioners shall cooperate with the investigation.

9. Accordingly, these Criminal Petitions are disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- T SRINIVASA REDDY,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XII Additional Chief Judicial Magistrate, Hyderabad
2. The Station House Officer, INSP Admin Police Station, Hyderabad.
3. One CC to SRI. NAGESHWAR RAO PUJARI, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

ADK

HIGH COURT

DATED: 11/11/2026



COMMON ORDER

CRLP.Nos.18600 and 18721 of 2026

DISPOSING OF THE BOTH CRLPs

(8)
DBR
13-11-26