IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16966 OF 2026

Between:

Srinivas Reddy Gillela, S/o. late Gopal Reddy, Age 62 years, Occ. Agriculture, R/o. Yedula village, Gopalpet Mandal Wanaparthy District, State of Telangana.

...Petitioner/Accused

AND

1. The State of Telangana, Rep, by Public Prosecutor, High Court of Telangana at Hyderabad. **...Respondent/Complainant**
2. Sri.D.Subramanyam, Revenue Divisional Officer, Wanaparthy, Wanaparthy District, State of Telangana.

...Respondent/Defacto 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 FIR No. 137/2026 Gopalpet Police Station, Wanaparthy District registered Under Sections 324(3) BNS, 3(1) PDPPA on behalf of the Accused for the following among other grounds.

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 in FIR No. 137/2026 Gopalpet Police Station, Wanaparthy District registered Under Sections 324(3) BNS, 3(1) PDPPA, including the appearance of the Petitioner/ Accused .

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri R Sridhar, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and of 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.16966 of 2026

CNR.No.HBHC010707322026

Date : 14.10.2026

Between:

Srinivas Reddy Gillela

...Petitioner/accused

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.137 of 2026 of Gopalpet Police Station, Wanaparthy District, wherein the petitioner was arrayed as accused, registered for the offences punishable under Sections 324(3) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 3(1) of the Prevention of Damage to Public Property Act, 1984 (for short 'the PDPPA').

2. Heard Mr. R. Sridhar, learned counsel for the petitioner and Mr. Jithender Rao Veeramalla, and learned Additional Public Prosecutor for respondent No.1. With their consent, this criminal petition is disposed of at the stage of admission.

3. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offences and has been

falsely implicated in the present crime. The allegations levelled in the complaint are purely civil in nature. Respondent No.2 lodged the present complaint only at the instance of one J. Papireddy as there are civil disputes pending between the petitioner and J.Papireddy. The petitioner has not encroached into the portion of the land covered by Sy.Nos.304, 306, 307, 370 and 371 nor caused obstruction to the path way. Solely basing on the report submitted by the Tahsildar, Yedula Mandal, respondent No.2 lodged the present complaint. He further submitted that the petitioner dug the road only for the purpose of laying water pipe line to his agricultural land and subsequently he restored the road. Hence, continuation of the proceedings against the petitioner is a clear abuse of the process of law. He further submitted that the offences alleged against the petitioner 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.

[1](2014) 8 SCC 273

4. *Per contra,* learned Additional Public Prosecutor submitted that there are specific allegations levelled in the complaint that the petitioner encroached the Government land and obstructed the path way. By virtue of the said action, severe obstruction was caused to the movement of irrigation officials, departmental vehicles and local farmers for agricultural purposes. Whether the allegations made against the petitioner are true or not, the same has to be revealed during the course of investigation, especially the investigation is under progress. Hence, the petitioner is not entitled to seek quashment of the proceedings against him at threshold. Since the offences levelled against the petitioner are punishable with imprisonment of less than seven years, the Investigating Officer will follow the due procedure as contemplated under the provisions of Section 35(3) of the BNSS, and the petitioner shall cooperate with the investigation.

5. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the allegations the offences levelled against the petitioner are punishable with imprisonment of less than seven years. According to the learned counsel for the petitioner, the petitioner had restored the road to the original position and according to the learned Additional Public Prosecutor, the Investigating Officer wants to follow the due

procedure as contemplated under the provisions of Section 35(3) of the BNSS.

6. In view of the same, the petitioner is directed to appear before the Investigating Officer on or before 27.10.2026 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 petitioner shall cooperate with the investigation. It is needless to mention that the petitioner is entitled to submit reply to the notice under Section 35(3) of the BNSS by raising all the pleas which are available to him and he is also entitled to submit the documents, if any, which are in his custody, to the Investigating Officer.

7. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

Sd/- B. PRIYADARSHINI JAISWAL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Judicial First Class Magistrate at Wanaparthy.
2. The Station House Officer, Gopalpet Police Station, Wanaparthy District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri R Sridhar, Advocate [OPUC]
5. Two CD Copies

DL/ABK

HIGH COURT

DATED: 14/10/2026



ORDER

CRLP.No.16966 of 2026

DISPOSING OF THE CRIMINAL PETITION

17/10/26