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: 17094 OF 2026

Between:

1. Gaddam Maraiah, S/o Gangaiah Aged about 38 years Occ: Agriculture
2. Gaddam Lachaiah @ Laxmaiah, S/o Gangaiah Aged about 32 years Occ: Agriculture
3. Gaddam Veeraiah @ Venkanna, S/o Gangaiah Aged about 45 years Occ: Begger
4. Gaddam Narsimha, S/o Gangaiah Aged about 43 years Occ: Begger
5. Gaddam Ramulu, S/o Gangaiah Aged about 40 years Occ: Begger
6. Gaddam Salaiah, S/o Gangaiah Aged about 35 years Occ: Begger

All are residents of R/o Bheemanapally Grama Panchayat Cherlaguda Village Madgulapally Mandal Nalgonda District

...PETITIONERS

AND

1. The State of Telangana, High Court of Telangana At Hyderabad Rep by its Public Prosecutor.

RESPONDENT NO.1

2. Mandala Lingaiah, S/o Mandala Veeraiah Aged about 36 years Occ: Begger R/o Korivi Village Mandal Mahabubabad District

...RESPONDENT No.2/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 FIR in crime No 643/2026 for the Offences U/Sec 296(b) 115(2) 351(2) r/w 3(5) BNS Act on the file of Khammam Rural Police Station.

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 the further proceedings of the FIR in Crime No 643/2026 for the Offences U/Sec 296(b) 115(2) 351(2) r/w 3(5) BNS Act on the file of Khammam Rural Police Station.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Rapolu Bhaskar, Advocate for the Petitioner and the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and None appeared for 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.17094 of 2026

CNR.No.HBHC010710972026

Date : 14.10.2026

Between:

Gaddam Maraiah and others

...Petitioners

AND

The State of Telangana,
High Court of Telangana, At Hyderabad,
Rep. By its Public Prosecutor and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.643 of 2026 of Khammam Rural Police Station, Khammam District, wherein the petitioners was arrayed as accused Nos.1 to 6, registered for the offence punishable under Sections 296(b), 115(2), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard learned counsel for the petitioners and Mr. Jithender Rao Veeramalla, 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 petitioners submitted that the petitioners have not committed the alleged offence and has been falsely implicated in the present crime by making omnibus allegations and there are disputes between the petitioners and respondent No.2 and to devolve the said disputes, filed the present complaint by giving it a criminal colour. Even according to the allegations levelled in the complaint, the ingredients of the offence punishable under Sections 296(b), 115(2), 351(2) read with 3(5) of the BNS are not attracted against the petitioners. The petitioners have not abused respondent No.2 in filthy language. Hence, continuation of the proceedings against the petitioners is a clear abuse of the process of law. He further submitted that the offences alleged 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 '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 against the petitioners in the complaint that the petitioners abused the respondent No.2 in filthy language and respondent No.2 sustained injuries. Whether the allegations made against the petitioners are true or not, the same has to be revealed during the course of investigation, especially the investigation is under progress. Hence, the petitioners are not entitled to seek quashment of the proceedings against him. Since the offences levelled against the petitioners are punishable with imprisonment of less than seven years, when the Investigating Officer is trying to follow the due procedure as contemplated under the provisions of Section 35(3) of the BNSS, the petitioners are evading the receipt of notice and not cooperating with the investigation from the date of registration of crime i.e., 27.09.2026.

5. Learned counsel for the petitioners by way of reply submitted that the petitioners will cooperate with the investigation.

6. Having considered the rival submissions made by the respective parties and upon 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 Additional Public Prosecutor, the

Investigating Officer wants to follow the due procedure as contemplated under the provisions of Section 35(3) of the BNSS.

7. In view of the same, the petitioners are 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 petitioners shall cooperate with the investigation. It is needless to mention that the petitioners are entitled to submit reply to the notice under Section 35(3) of the BNSS by raising all the pleas which are available to them and they are also entitled to submit the documents, if any, which are in their custody, to the Investigating Officer.

8. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- MOHD. OSMAN ALI BAIG,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

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

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HIGH COURT

DATED: 14/10/2026

ORDER

CRLP.No.17094 of 2026



DISPOSING OF THE CRIMINAL PETITION

(9)
Y.V.L
17/10/26