IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FIFTEENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION NO: 17405 OF 2026

Between:

Motam Sathish, S/o. Rajaram, Aged about 35 years, Occ: Agriculture, R/o. Anupuram Village, Vemulawada Urban Mandal, Rajanna Sircilla District, Telangana.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana (through the Station House Officer, P.S. Vemulawada Town, Rajanna Sircilla District)

...RESPONDENT NO.1

2. Motam Anjaneyulu, S/o. Gangaram, Aged about 37 years, Occ. Daily wage labor, R/o. Peddur, Sircilla Town, Rajanna Sircilla District, Telangana.

...RESPONDENT NO.2/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/ sole accused in Cr.No.557 of 2026 on the file of the Station House Officer, P.S. Vemulawada Town, Rajanna Sircilla District.

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, including investigation, against the petitioner/ sole accused in Cr.No.557 of 2026 on the file of the Station House Officer, P.S. Vemulawada Town, Rajanna Sircilla District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. T. Bala Mohan Reddy, Advocate for the Petitioner and Mr. Jithender Rao Veeramalla, 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.17405 of 2026

CNR No. : HBHC010728942026

Date: 15.10.2026

Between:
Motam Sathish

...Petitioner

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused seeking to quash the proceedings in Crime No.557 of 2026 of Vemulawada Town Police Station, Rajanna Sircilla District, registered for the offences punishable under Sections 296(b) and 118(1) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Mr.T.Bala Mohan Reddy, 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. Even according to the allegations made in

the complaint, the ingredients of the offences under Sections 296(b) and 118(1) of the BNS, are not attracted against the petitioners and 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 submitted that 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).

6. Learned counsel for the petitioners submits that the 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 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

[1](2014) 8 SCC 273

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 27.10.2026 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/- MOHD. OSMAN ALI BAIG,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Vemulawada.
2. The Station House Officer, Vemulawada Town Police Station, Rajanna Sircilla District.
3. One CC to Mr. T. Bala Mohan Reddy, Advocate [OPUC]
4. Two CCs to Public Prosecutor High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

KAM

HIGH COURT

DATED: 15/10/2026

ORDER

CRLP.No.17405 of 2026



DISPOSING OF THE CRIMINAL PETITION

8 Copies

17/10/26

R.R