

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 11117 OF 2025

Between:

1. Boddula. Surender, S/o B. Yadagiri, Aged. 45, Occ. Business, R/o. 11-7-259/4, Plot No. 31/A, Gayithri Nagar, Huda Colony, Ranga Reddy District.
2. Boddula. Savithri, W/o Boddula Yadagiri, Aged. 61, Occ. House wife, R/o. 11-7-259/4, Plot No. 31/A, Gayithri Nagar, Huda Colony, Ranga Reddy District.
3. Ganji Rajani, W/o Ganji Ramesh, Aged. 47, Occ. House wife, R/o. 11-7-259/3, Plot No. 31/A, Huda Colony, Kothapet, Ranga Reddy District.
4. Boddula. Lavanya, C/o Boddula Surender Aged. 45, occ. Business, R/o. 11-7-259/4, Plot No. 31/A, Gayithri Nagar, Huda Colony, Ranga Reddy District

...PETITIONERS/ACCUSED NOS. 1,2,3,6

AND

1. The State of Telangana, Rep. by the Public Prosecutor, High Court of Telangana, Hyderabad.
2. Karnati Dhasharadhei, S/o Late Janardhan, Occ. Business, R/o. H.No. 16-121, B.Pochampally, Pochampally, Yadadri Bhuvanagiri, Telangana.

...RESPONDENTS/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 Crime No. 160 of 2024 dated 01/07/2025 on the file of Pochampally Police Station, Rachakonda.

I.A. NO: 2 OF 2025

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 Crime No. 160 of 2024 dated 01/07/2025 on the file of Pochampally Police Station, Rachakonda.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Ms. P SANJANA, learned counsel representing Sri S VIPLAV SIMHA REDDY, Advocate for the

Petitioners and SRI JITHENDER RAO VEERAMALLA, the Additional Public Prosecutor for the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.11117 of 2025

ORDER:

1. This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking to quash the proceedings against the petitioners/accused Nos.1, 2, 3 & 6 in Crime No.160 of 2025, on the file of Pochampally Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 316, 318, 329, 351 read with 3(5) of BNS and 175(3) of BNSS, 2023.

2. Heard Ms.P.Sanjana, learned counsel representing Sri S.Viplav Simha Reddy, learned counsel on record for the petitioners and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. Learned counsel for the petitioners submits that the matter is purely civil in nature and that there is a Suit filed for specific performance and is pending between the parties. During the pendency of the said Suit, the present complaint is filed by the *de facto* complainant just to settle the scores in the civil case. Learned counsel further submitted that since all the offences are punishable with less than 7 years of imprisonment, a direction may be issued to

the Police to follow the procedure prescribed under Section 35 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

4. The learned Additional Public Prosecutor has submitted that since the sub-sections of Sections 316, 318, 329, 351 read with 3(5) of BNS are not mentioned in the FIR, the said relief may be granted and submitted to pass appropriate orders.

5. Perused the record. The allegations in the complaint reveal the alleged commission of offences under Sections 316, 318, 329 of BNS, 2023, the sub-sections of which are not mentioned in the FIR. Investigation is in progress. Hence, considering the submissions made by learned counsel for the petitioners, this Court deems it appropriate to direct the petitioners to appear before the Investigating Officer on or before 10.09.2025 between 11:00 a.m. and 05:00 p.m. and in turn, the Investigating Officer is directed to follow the procedure laid down under Section 35 (3) of the BNSS (previously section 41-A of Criminal Procedure Code, 1973) and also the guidelines formulated by the Hon'ble Supreme Court of India in **Armesh Kumar v. State of Bihar**¹ scrupulously. However, the petitioners shall submit their defense and co-operate with the Investigating Officer as and when required by furnishing information

¹ (2014) 8 SCC 273

and produce all relevant documents/material required for the purpose of investigation and the Investigating Officer shall consider the same and complete the investigation strictly in accordance with law.

6. Accordingly the Criminal Petition is disposed of.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

SD/- B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Pochampally Police Station, Rachakonda.
2. One CC to SRI S VIPLAV SIMHA REDDY Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad. [OUT]
4. Two CD Copies

GR/PSL

HIGH COURT

DATED:29/08/2025



ORDER

CRLP.No.11117 of 2025

DISPOSING OF THE CRIMINAL PETITION

EmT
8/9/25