

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

THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 2274 OF 2026

Between:

1. Mahesh Dhubasi, S/o. Sambaiah, aged 40 years, Business R/o. H No. 11-29-100/GF/101, Doctors Colony Ramnathpuri, Deshaipet Road, Surrender Residency Warangal Town, Warangal District
2. Rajakka Dhubasi, W/o. Sambaiah, aged 58 years, occ. housewife R/o. H No. 11-23-2387/1, Navayuga Colony Warangal Town and District
3. Sambaiah Dhubasi, S/o. Late Sammaah, Aged 65 years, Occ Business R/o. H No. 11-23-2387/1, Navayuga Colony Warangal Town and District
4. Srivani Pasunuti, W/o. Srinivas, aged 39 years, Occ. housewife R/o. H No. 1-45, Rajakkapalle, Koppula Regonda Chinna Kodepaka, Bhupalpally District
5. Srinivas Pasunuti, S/o. Rajanna, aged 44 years, Occ. Business R/o. H No. 1-45, Rajakkapalle, Koppula Regonda Chinna Kodepaka, Bhupalpally District

...Petitioners/Accused No.1 to 5

AND

1. The State of Telanana, Rep. by Public Prosecutor High Court at Hyderabad for the State of Telangana Through SHO, Mahabubabad Town PS, Mahabubabad District
2. Sandhya Dhubasi, W/o. Mahesh, aged 35 years, occ. housewife R/o. Mahabubabad Town and District

...Respondent/defacto Complainant

Petition under Section 528 of B.N.S.S.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 Crime No. 53 of 2026 on the file of SHO, Mahabubabad Town PS, Mahabubabad District against the petitioners/ accused no.1 to 5

I.A. NO: 2 OF 2026

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to STAY of the proceedings in Crime No. 53 of 2026 on the file of SHO, Mahabubabad Town PS, Mahabubabad District including the arrest of the petitioners/ accused no.1 to 5, pending disposal of main criminal petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri /jay Kumar Madisetty, Advocate for the Petitioner and the Sri Jithender Rao Veeramalla, 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.2274 of 2026

Date: 19.02.2026

Between:

Mahesh Dhubasi and four others.

...Petitioners/accused Nos.1 to 5

AND

The State of Telangana, Represented by Public Prosecutor,
High Court at Hyderabad for the State of Telangana, through SHO,
Mahabubabad Town PS, Mahabubabad District and another.

...Respondents

Order:

This Criminal Petition has been filed seeking to quash the proceedings in F.I.R.No.53 of 2026 of Mahabubabad Town PS, Mahabubabad District, wherein the petitioners were arrayed as accused Nos.1to 5, registered for the offences punishable under Section 85 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short 'DP Act').

2. Heard Mr. M. Ajay Kumar, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for respondent No.1.

3. Learned counsel for the petitioners submitted that the petitioners have not committed any offences and they have been falsely implicated in the present crime. Even according to the allegations made in the

complaint, the ingredients of the offences under Section 85 of BNS and Sections 3 and 4 of DP Act are not attracted against the petitioners. The offences levelled against the petitioners are punishable with imprisonment of 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'), the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹, the principles laid down by the Apex Court in **Md. Asfak Alam v. The State of Jharkhand & another** (Crl.A.No.2207 of 2023) dated 31.07.2023, and also the circular issued by this Court in ROC.No.1399/SO/2023 dated 09.08.2023, is proceeding with the investigation and the same is contrary to law.

4. Learned Additional Public Prosecutor submitted that the Investigating Officer is trying to serve notice under Section 35(3) of the BNSS, but the petitioners are avoiding to receive the same. Learned counsel for the petitioners submitted that the petitioners will receive the notice and submit their reply/explanation. Learned Additional Public Prosecutor submits that the Investigating Officer will follow the procedure prescribed under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar (supra)** and requested this Court to direct the petitioners to cooperate with the investigation.

¹(2014) 8 SCC 273

5. 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 petitioners/accused Nos.1 to 5 are punishable with imprisonment of less than seven years. Thus, without expressing any view on the merits of the case, the petitioners/accused Nos.1 to 5 is directed to appear before the Investigating Officer, on or before 25.02.2026, and on such appearance, the Investigating Officer is entitled to issue notice under Section 41-A of Cr.P.C./Section 35(3) of BNSS and follow the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** (*supra*). In view of the same, petitioners are entitled to submit their reply to the notice by raising all the pleas which are available to them and they are also entitled to submit the documents, which are in their custody. The Investigating Officer is further directed to scrupulously follow the procedure contemplated under Section 35(3) of the BNSS and the guidelines and principles issued by the Hon'ble Apex Court in **Arnesh Kumar** (*supra*) and **Md. Asfak Alam** (*supra*), and conclude the investigation.

6. With the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

//TRUE COPY//

SD/- U SUDHA,
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Judicial First Class Magistrate at Mahabubabad
2. The Station House Officer, Police Station Mahabubabad Town, Mahabubabad District
3. One CC to SRI. AJAY KUMAR MADISETTY Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

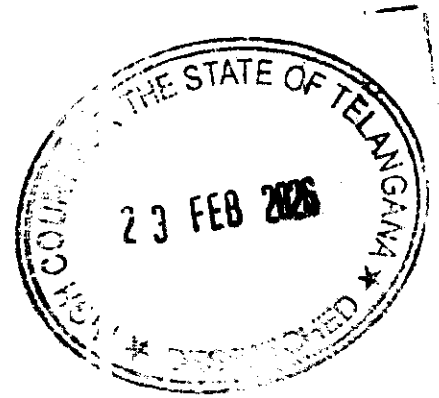
Ba
A

HIGH COURT

DATED: 19/02/2026

ORDER

CRLP.No.2274 of 2026



DISPOSING OF THE CRIMINAL PETITION

⑧
23/02/26
100X