

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 64 OF 2026

Between:

1. Palivela Ravikumar, S/o Kameswar Rao (late), Age: 53 years, Occ: Principal, Komal High School, R/o H.No. 5-1-130, TTD Road, Bhadrachalam Town B/Kothagudem Dist
2. Palivela VSA Narasimha Rao, S/o Kameshwara Rao, Age: 61 years, Caste: Brahmana, Occ: Advocate, R/o H. No, 3-1-41/2, TTD Road. Near Co-Operative Bank, Bhadrachalam.
3. Duvvuri Surya Prakash @ Dammeti Surya Prakash, S/o Sudharshan Rao, Age: 62 years, Caste: Brahmana, Occ: Private Employee, Rio H. No. 10-1-34/3/A, Shilpinagar, Bhadrachalam.
4. Thamalla Venkateshwara Rao, S/o Krishna Murthy, Age: 64 years, Caste: Munnuru Kapu, Occ: Agriculture, N/o H. No. 7-16, Chinna Burratogu, Velairpadu (M), Yeluru Dist. Bhadrachalam. R/o MP colony of Bhadrachalam.

...Petitioner/Accused No.1 to 4

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad Through S.H.O. Bhadrachalam Town Police Station, Bhadradi Kothagudem District.
2. Suravarapu Umabhavani, D/o.late Lakshminarayana, Age: 35 years, Occ: Works in Medical Shop, R/o.H.No.11-1-149, Indiranagar Colony, Opp. Police Station, Bhadrachalam, Bhadradi Kothagudem District.

...Respondent/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 call for the records in connection with the case in SC No. 143 of 2025 on the file of the Principal Sessions Judge, Kothagudem, Bhadradi Kothagudem District, registered under sections 69, 127(2), 351(2) R/w.3(5) of BNS, and quash the same against the petitioners/A1 to A4, by allowing the above Criminal petition.

I.A. NO: 1 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 connection with SC. No. 143 of 2025 on the file of the Court of the Principal Sessions Judge, Kothagudem, Bhadradi Kothagudem District, including appearance of the Petitioners/Accused No.1 to 4, pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mummaneni Srinivasa Rao, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the Respondent No.1-State 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 HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.64 of 2026

Date: 07.01.2026

Between:

Palivela Ravikumar and three others

...Petitioners

AND

The State of Telangana,
Rep. by its Public Prosecutor,
High Court of Judicature at Hyderabad,
Through S.H.O. Bhadrachalam Town Police Station,
Bhadradi Kothagudem District and another

...Respondents

ORDER

This Criminal Petition is filed under Section 528 Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the
petitioners/accused Nos.1 to 4 seeking to quash the proceedings
against them in S.C.No.143 of 2025 on the file of learned
Principal Sessions Judge, Bhadradi Kothagudem.

2. Heard Sri Mummaneni Srinivasa Rao, learned counsel for
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 alleged
offence is stated to have been committed in the year 2019 and

that, even according to the averments in the complaint, the alleged continuation of the offence was only up to six months prior to the lodging of the complaint. At that point in time, the Bharatiya Nyaya Sanhita (BNS) had not been introduced and, therefore, the offence, if any, ought to have been registered under the provisions of the Indian Penal Code (IPC). It is contended that the registration of the crime under Section 69 of BNS is neither just nor proper. Learned counsel, therefore, prays that the matter be remanded to the trial Court for taking appropriate action in accordance with law.

4. Learned Additional Public Prosecutor has not disputed the fact that the date of the alleged offence is prior to the enactment of the BNS.

5. Perused the record.

6. The complaint came to be lodged on 27.12.2024 alleging that an offence under Section 69 of BNS was committed against the de facto complainant approximately six months prior to the date of the complaint.

7. Section 69 of BNS is extracted hereunder for the sake of reference:

Sexual intercourse by employing deceitful means, etc.

Whoever, by deceitful means or by making promise to marry to a woman without any intention of fulfilling the same, has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

8. The ingredients of the complaint point out that the de facto complainant was induced into a sexual relationship with the accused under a promise of marriage. When she requested the accused to marry her, he denied the same and began staying away from her. Therefore, the contention of learned counsel for the petitioner is that the offence has to be registered under IPC and that registration of offence under BNS is not just and proper. Admittedly, the provisions of IPC and Cr.P.C., are applicable to the offences that are committed prior to 01.07.2024, the date from which BNS and BNSS came into effect. But for the simple reason that the offence is registered under BNS instead of IPC, the proceedings cannot be quashed. The alleged offence predates

the enactment of the BNS. The ingredients of the complaint must be examined by the trial Court while framing the charges. It is pertinent to note that Section 69 of the BNS is a newly introduced provision for which there is no exact parallel provision under the Indian Penal Code. However, depending upon the allegations contained in the complaint, the trial Court can frame an appropriate charge under the IPC.

9. In view of the foregoing discussion, it is deemed just and proper to dispose of the petition by directing the learned trial Court to consider the contents of the complaint meticulously and to frame an appropriate charge against the accused, before proceeding further.

10. With the above direction, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- K. AMMAJI
DEPUTY REGISTRAR

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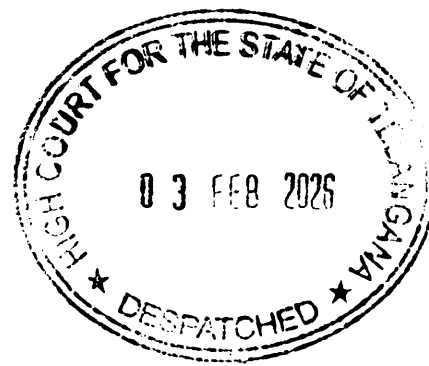
SECTION OFFICER

- To,
1. The Principal Sessions Judge, Bhadradi Kothagudem.
 2. The Station House Officer, Bhadrachalam Town Police Station, Bhadradi Kothagudem District.
 3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
 4. One CC to Sri Mummaneni Srinivasa Rao, Advocate [OPUC]
 5. Two CD Copies

GNK/PSL

HIGH COURT

DATED:07/01/2026



ORDER

CRLP.No.64 of 2026

DISPOSING THE CRIMINAL PETITION

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3/2/26