

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TWENTIETH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY SIX

**:PRESENT:
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

CRIMINAL PETITION NO: 870 OF 2026

Between:

1. Kondapally Mallesh @ Kondapally Mallaiah, S/o. Buchaiah,
2. Thotapally Ramesh, S/o. Shankaraih,
3. Nagi Reddy @ Thummala Nagi Reddy,, S/o. Narayana Reddy,
4. Pittala Naresh, S/o. Parvathallu,
5. Shiva Shankar @ Punna Shiva Shankar, S/o. Anjaiah,

Accused/Petitioner Nos.1 to 5

AND

1. The State of Telangana, through SHO P.S. Amrabad, Rep., by Public Prosecutor, High Court For the State of Telangana, At Hyderabad.
2. Vislavath Rajaram Naik, S/o. Late Ramdas, Occ. Farmer R/o., Mannanur Village, Amrabad Mandal, Nagar Kurnool District, Telangana.

Respondents

WHEREAS the Petitioners above named through their Advocate Ms. Y KAVYASHREE presented this Petition under Section 528 OF B.N.S.S., praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to call for the records and after examining the same to quash the proceedings in FIR No. 09 of 2026 dated 19/01/2026 registered on the file of the Amrabad P.S., Nagarkurnool District against the Accused/Petitioner Nos. 1 to 5 herein to prevent abuse of process of Law and securing ends of justice.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Mr. Shashank Garige, counsel representing Ms. Y KAVYASHREE Advocate for the Petitioners, and Additional Public Prosecutor, for the Respondent No.1 directed issue of notice to the Respondent No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Vislavath Rajaram Naik, S/o. Late Ramdas, Occ. Farmer R/o., Mannanur Village, Amrabad Mandal, Nagar Kurnool District, Telangana.

are directed to show cause on or before 06.04.2026 to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted.

IA NO: 2 OF 2026

Petition under Section 528 OF B.N.S.S., praying that in the circumstances stated in the grounds filed in support of the criminal petition, the High Court may be pleased to stay all further proceedings including the arrest of the Accused/Petitioner Nos. 1 to 5 in FIR No. 09 of 2026 dated 19.01.2026 registered on the file of the Amrabad P.S., Nagarkurnool District, pending the disposal of the Main Quash Petition in the interest of the justice.

**The Court made the following:
ORDER:**

Notice before admission.

Learned Additional Public Prosecutor takes notice on behalf of respondent No.1.

Learned counsel for the petitioners is permitted to take out personal notice to respondent No.2 by way of speed post with acknowledgment due and file proof of service.

Post on 06.04.2026.

Mr. Shashank Garige, learned counsel representing Ms.Y.Kavya Shree, learned counsel for the petitioners, submits that the petitioners have not committed any offence and they have been falsely implicated in the present case. Even according to the allegations made in the complaint, the ingredients of the offences under Sections 115(2), 324(4) and 126(2), read with 3(5) of BNS are not attracted. The offences levelled against the petitioners are punishable with imprisonment of below seven years. However, the Investigation Officer, without following the mandatory procedure as prescribed under Section 35 (3) of the BNSS and the guidelines issued by the Apex Court in Arnesh Kumar v. State of Bihar (2014 8 SCC 273), is proceeding with the

investigation. Hence, the continuation of the proceedings against the petitioners is a clear abuse of process of law.

Taking into consideration the above submissions, this Court is of the *prima facie* view that there is force in the submissions made by the learned counsel for the petitioners and this Court would not be justified in granting a stay of further investigation pending the proceedings under Section 528 of the BNSS.

Hence, the Investigating Officer is directed to follow the procedure as contemplated under provisions of BNSS, insofar as petitioners/accused Nos.1 to 5 is concerned.

//TRUE COPY//

SD/-MOHD.ISMAIL
DEPUTY REGISTRAR


SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Achampet.
2. The Station House Officer, Amrabad PS, Nagarkurnool.
3. Vislavath Rajaram Naik, S/o. Late Ramdas, Occ. Farmer R/o., Mannanur Village, Amrabad Mandal, Nagar Kurnool District, Telangana. (by SPAD-along with a copy of petition and memorandum of grounds)
4. One CC to Ms. Y KAVYASHREE Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court at Hyderabad (OUT)
6. One spare copy

HIGH COURT

JSR,J

DATED:20/02/2026

POST ON 06.04.2026

NOTICE BEFORE ADMISSION

CRLP.No.870 of 2026

DIRECTION

