

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

MONDAY, THE TWENTY THIRD DAY OF FEBRUARY

TWO THOUSAND AND TWENTY SIX

:PRESENT:
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 959 OF 2026

Between:

Abhishek @ Abhishek Samala, S/o. Ramesh

Petitioner/Accused

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court of Telangana, Hyderabad.
2. G.Nagendra Babu S/o. Late G. Guruwaiah, Occ: Private Employee, R/o. Flat No.202, Gokul Plots, Serilingampally, RR District.

Respondents/Complainant

WHEREAS the Petitioner above named through his Advocate SRI VIJAY ASHRIT 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 quash the Criminal Proceedings against the Petitioner/Accused herein in Crime.No.1825/2025 of PS Miyapur, Cyberabad, Under Section. 318(4) of BNSS.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of SRI VIJAY ASHRIT Advocate for the Petitioner, and Mr. M. VIVEKANANDA REDDY, APP for 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:

G.Nagendra Babu S/o. Late G. Guruwaiah, Occ: Private Employee, R/o. Flat No.202, Gokul Plots, Serilingampally, RR District.

are directed to show cause on or before 01.04.2026 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 arrest of the Petitioner/Accused herein in Crime.No. 825/2025 of PS Miyapur, Cyberabad, Under Section. 318(4) of BNSS.

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

Notice before admission.

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

Learned counsel for the petitioner is permitted to take out personal notice to respondent No.2 through SPAD and file proof of service.

Mr.A.Vijay, learned counsel for the petitioner submitted that the petitioner has not committed the offence and he has been falsely implicated in the present crime for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023, which is punishable with imprisonment of less than seven years. He further submitted that the allegations made in the complaint are purely civil in nature and 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 Bihar¹, is proceeding further in the matter and the same is contrary to law.

Mr.M.Vivekananda Reddy, learned Asst. Public Prosecutor appearing on behalf of respondent No.1, submitted that the offences levelled against the petitioner are punishable with imprisonment of below seven years. and the Investigating Officer wants to serve the

¹(2014) 8 SCC 273

notice under Section 35(3) of the BNSS. However, the petitioner is not coming forward to receive the notice and he is not cooperating with the investigation.

Taking into consideration the above submissions, this Court is of the *prima facie* view that there is a force in the submissions made by the learned counsel for the petitioner and accordingly, 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 the provisions of the BNSS and the guidelines issued by the Hon'ble Apex Court in *Arnesh Kumar (supra)* insofar as the petitioner is concerned.

Post on 01.04.2026.

Sd/- A.H.S.GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Station House Officer, Miyapur Police Station, Cyberabad Commissionerate.
2. G.Nagendra Babu S/o. Late G. Guruwaiah, Occ: Private Employee, R/o. Flat No.202, Gokul Plots, Serilingampally, RR District.(By SPAD along with a copy of petition and memorandum of grounds)
3. One CC to SRI. VIJAY ASHRIT Advocate [OPUC]
4. One CC to SRI. PUBLIC PROSECUTOR Advocate [OPUC]
5. One spare copy

HIGH COURT

JSR,J

DATED:23/02/2026

POST ON 01.04 2026



NOTICE BEFORE ADMISSION

CRLP.No.959 of 2026

DIRECTION