

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

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

:PRESENT:
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO
CRIMINAL PETITION NO: 1222 OF 2026

Between:

Smt. K. Shashi Sri, W/o. K. Vinod Babu.

Petitioner/Accused No.3

AND

1. The State of Telangana, through S.H.O. Sultan Bazar Police Station, Hyderabad District, rep. by its Public Prosecutor, High Court, Hyderabad.
2. Gollagopu Satish Kumar, S/o. G. Srinivas, Occ: Farmer, R/o. H.No.15-296/6, Huzur Nagar, Suryapet District.

Respondents/Complainant

WHEREAS the Petitioner above named through her Advocate Dr. A. NARASIMHA RAO presented this Petition Under Section 528 of BNSS, 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 relating to FIR in Crime No.13 of 2026 on the file of Sultan Bazar Police Station, Hyderabad and quash the proceedings thereon against the petitioner herein;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Dr. A. NARASIMHA RAO Advocate for the Petitioner and the Public Prosecutor for Respondent No.1, directed issue of notice to Respondent No.2, herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Gollagopu Satish Kumar, S/o. G. Srinivas, Occ: Farmer, R/o. H.No.15-296/6, Huzur Nagar, Suryapet District.

are directed to show cause on or before 09.04.2026 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 BNSS praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to grant stay of all further proceedings, in relation to the FIR in Crime No.13 of 2026 on the file of Sultan Bazar Police Station, Hyderabad, pending disposal of CRLP No.1222 of 2026, on the file of the High Court.

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

Notice before admission.

Learned counsel for the petitioner is permitted to take out personal notice to respondent No.2 by way of Speed Post with Acknowledgment Due and file proof of service.

Dr. A. Narsimha Rao, learned counsel for the petitioner, submits that the petitioner has not committed the alleged offences and has been falsely implicated in the present crime. Even according to the allegations made in the complaint, the ingredients of Sections 406, 420 read with 34 of The Indian Penal Code, 1860 are not attracted against the petitioner. The allegations made in the complaint are purely civil in nature. He further relied on the Judgment of the Hon'ble Supreme Court in *Delhi Race Club (1940) Ltd. & Ors vs. State of Uttar Pradesh & Anr*¹, wherein it was held that both the offences of cheating and criminal breach of trust cannot go together. Hence the continuation of proceedings against the petitioner is a clear abuse of process of law.

Learned counsel further submits that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. He further submitted that 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 Bihar*², is proceeding further in the matter and the same is contrary to 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 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.

¹ (2024) 10 SCC 690

² (2014) 8 SCC 273

Hence, the Investigating Officer is directed to follow the due procedure as contemplated under the provisions of the BNSS, insofar as petitioner/accused No.3 is concerned.

Post on 09.04.2026.

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

//TRUE COPY//


SECTION OFFICER

To,

1. The II Additional Chief Judicial Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Sultan Bazar Police Station, Hyderabad.
3. Gollagopu Satish Kumar, S/o. G. Srinivas, Occ: Farmer, R/o. H.No.15-296/6, Huzur Nagar, Suryapet District **(by SPAD- along with a copy of petition and memorandum of grounds)**
4. One CC to Dr. A. NARASIMHA RAO Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
6. One spare copy.

HIGH COURT

JSR, J

DATED:18.02.2026

POST ON 09.04.2026

NOTICE BEFORE ADMISSION

CRLP.No.1222 of 2026

DIRECTION

