

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE FOURTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY SIX

:PRESENT:**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO****CRIMINAL PETITION NO: 1262 OF 2026****Between:**

1. Komakula Srikanth s/o Komakula Rajamouli
2. Komakula Prashantha, W/o Komakula Srikanth

Petitioners/Accused No.1 & 2**AND**

1. The State of Telangana, Rep by its Public prosecutor, High Court At Hyderabad
2. Sri.Bandari Naresh, S/o. Sailu, Occ Medical Marketing, R/o H.No.DE2 Mahadevpuram Gajularamaram, Medchal-Malkajgiri dist, Hyderabad

Respondents/Complainant

WHEREAS the Petitioners above named through their Advocate SRI VSRMV PRASAD SANAKA 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 CC.4774/2021 pending on the file of XIV Addl Judicial Magistrate of First Class, Medchal- Malkajgiri, at Kukatpally against the Petitioner/Accused No.1 and 2 in the interest of justice;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of SRI VSRMV PRASAD SANAKA Advocate for the Petitioner, Additional Public Prosecutor 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;

1. Sri.Bandari Naresh, S/o. Sailu, Occ Medical Marketing R/o H.No.DE2 Mahadevpuram Gajularamaram, Medchal-Malkajgiri dist, Hyderabad

are directed to show cause 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 of all further proceedings including appearance of the petitioners the CC.4774/2021 pending on the file of XIV Addl Judicial Magistrate of First Class Medchal- Malkajgiri, at Kukatpally pending disposal of CRLP No.1262 of 2026, on the file of the High Court.

The Court made the following:

ORDER

Mr. VSRMV. Prasad Sanaka, learned counsel for the petitioners/accused Nos.1 and 2 submits that petitioners have not committed any offence and they have been falsely implicated in the present crime. Even according to the allegations made either in the complaint or the final report, the ingredients of the offences under Sections 406, 420, and 506 of The Indian Penal Code, 1860 (for short 'IPC') are not attracted. The allegations made in the complaint are purely civil in nature regarding house property. 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 petitioners is a clear abuse of process of law.

¹ (2024) 10 SCC 690

Learned counsel further submits that the trial has not yet commenced before the Trial Court.

Taking into consideration the above said submissions, this Court is of the view that the grounds, which are raised by the learned counsel for the petitioners, require detailed examination.

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 through speed post with acknowledgment due and file proof of service.

The presence of the petitioners/accused Nos.1 and 2 in C.C.No.4774 of 2021 on the file of the XIV Additional Judicial Magistrate of First Class, Medchal-Malkajgiri, at Kukatpally is dispensed with, subject to the condition that they shall be represented through their counsel on each and every date of hearing. If the presence of the petitioners is required, they shall appear before the trial Court. In case of non-appearance on the specific date fixed by the trial Court for their appearance, the trial Court is entitled to proceed with the matter, in accordance with law.

SD/-A.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIV Additional Judicial Magistrate of First Class, Medchal-Malkajgiri, at Kukatpally
2. The Station House Officer, Jagathgiringutta Police Station, Cyberabad
3. Sri Bandari Naresh, S/o. Sailu, Occ Medical Marketing, R/o H.No.DE2 Mahadevpuram Gajularamaram, Medchal-Malkajgiri dist, Hyderabad (by RPAD- along with a copy of petition and memorandum of grounds)
4. Two CCs to Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
5. One CC to SRI VSRMV PRASAD SANAKA Advocate [OPUC]
6. One spare copy

HIGH COURT

JSR,J

DATED:04/02/2026

NOTICE BEFORE ADMISSION

CRLP.No.1262 of 2026

DIRECTION

