



2025:TSHC:989
[3257]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION NO: 1596 OF 2025

Between:

Danthika Joseph Vikram @ Durgam Krishna, S/o. D. Devadanam, Aged. 32 years, Occ. Pvt Employee, R/o. Flat No. 102, Srisai Nilayam, Kondapur, Hyderabad, Telangana.

...Petitioner/Accused No.30

AND

The State of Telangana, rep. by Public Prosecutor, High Court of Telangana at Hyderabad, Through P.S Amberpet, Hyderabad.

...Respondent/De-facto Complainant

Petition under Section 528 of BNSS Act, 2023 praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the criminal proceedings against the petitioner/accused No.30 in SCNDPS No.147 of 2023 on the file of the II Additional Metropolitan Sessions Judge, Hyderabad at Nampally.

I.A. NO: 1 OF 2025

Petition under Section 528 of BNSS Act, 2023 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 SCNDPS NO.147 of 2023 on the file of II Additional Metropolitan Sessions Judge, Hyderabad at Nampally, including the appearance of the Petitioner/accused no.30 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 N Vishal, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

**THE HONOURABLE SMT. JUSTICE JUVVADI SRIDEVI****CRIMINAL PETITION No.1596 of 2025****ORDER:**

This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS'), by the petitioner/accused No.30 to quash the proceedings against him in S.C.NDPS.No.147 of 2023 on the file of II Additional Metropolitan Sessions Judge, Hyderabad at Nampally, pertaining to Crime No.375 of 2022 of P.S. Amberpet, registered for the offences punishable under Sections 8(c) r/w. 20(b) (ii) (B) and 27 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'Act, 1985').

2. Heard Sri. N.Vishal, learned counsel for the petitioner and Sri. Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the State-respondent and perused the record.

3. Basing on the complaint, dated 07.09.2022, that accused are in illegal possession of Ganja, the Police, Amberpet Police Station, rushed to the scene and seized the contraband from the possession of accused Nos.1 and 4, a case in Crime No.375 of 2022 was registered against the petitioner and others. After completion of investigation, charge sheet was filed, cognizance was taken and the case was numbered as S.C.No.147 of 2023 for the aforesaid offences.

4. Learned counsel for the petitioner submits that though the petitioner is not present at the scene of offence and nothing was recovered from his possession, merely basing on the confession of co-accused, the petitioner was falsely implicated in the case. In support of his contention, learned counsel relied on the judgment of the Hon'ble Supreme Court in ***Tofan Singh v. State of Tamil Nadu***¹, wherein, it was held that the confessional statements recorded under Section 67 of the Act, 1985, will remain inadmissible in the trial of an offence under the Act, 1985.

5. On the other hand, learned Additional Public Prosecutor opposed the petition stating that specific allegations are levelled against the petitioner and the truth or otherwise of the allegations levelled against the petitioner can only be known after conducting full-fledged trial before the trial Court, and hence, prayed to dismiss the petition.

6. Having heard both sides and perused the material on record, it appears that the petitioner/accused No.30 is a consumer, he was not present at the scene of offence and nothing was seized from his possession. Though a Medical test was conducted on the petitioner, the results were reported as 'Negative'. Furthermore, the

¹ (2021) 4 SCC 1



petitioner was arrayed as an accused in the crime basing on the confession statement of co-accused, which is inadmissible in the trial of an offence under the Act, 1985, as per the judgment of the Hon'ble Supreme Court in **Tofan Singh's case (supra)**. In the said circumstances, the continuation of proceedings against the petitioner amounts to abuse of process of law and the same are liable to be quashed.

7. This Criminal Petition is accordingly allowed and the proceedings against the petitioner/accused No.30 in S.C.NDPS.No.147 of 2023 on the file of II Additional Metropolitan Sessions Judge, Hyderabad at Nampally, are hereby quashed.

Pending miscellaneous petitions, if any shall stand closed.

//TRUE COPY//

SD/- K. AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The II Additional Chief Metropolitan Sessions Judge, Hyderabad at Nampally
2. The Station House Officer, Amberpet Police Station, Hyderabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to SRI N VISHAL, Advocate [OPUC]
5. Two CD Copies

ADK





2025:TSHC:989

HIGH COURT

DATED:05/02/2025

ORDER

CRLP.No.1596 of 2025



ALLOWING THE CRLP

⑧
07/02/25
LWS