

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

THURSDAY, THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

:PRESENT:

**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO
CRIMINAL PETITION NO: 1839 OF 2026**

Between:

Mohammed Ubaid Uddin, S/o Late Mohammed Kaleem Uddin.

Petitioner/Sole Accused

AND

1. State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Sri Ameenuddin Siddiqui, S/o. Mohd Badiuddin, Aged about 50 years, Occ. Business, R/o H.No. 19-4-370/B/49/A, Chirag Ali, Nagar, Bahadurpura, Hyderabad.

Respondents/Defacto Complainant

WHEREAS the Petitioner above named through his Advocate Sri MIR MASOOD KHAN 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 allow the Criminal petition thereby quashing Crime No. 28 of 2026 dt. 01-02-2026 U/Sec. 308 (2) BNS on the file of P.S. Bahadurpura 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 MIR MASOOD KHAN Advocate for the Petitioner, and the 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:

Sri Ameenuddin Siddiqui, S/o. Mohd Badiuddin, Aged about 50 years, Occ. Business, R/o H.No. 19-4-370/B/49/A, Chirag Ali, Nagar, Bahadurpura, Hyderabad

are directed to show cause on or before 09.03.2026 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.

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 pursuance to Crime No. 28 of 2026 dt. 01-02-2026 U/Sec. 308 (2) BNS on the file of P.S. Bahadurpura in the interest of justice, pending disposal of CRLP No. 1839 of 2026, on the file of the High Court.

**The Court made the following:
ORDER**

Notice before admission.

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.

Mr.Mir Masood Khan, learned counsel for the petitioner, submitted that the petitioner has not committed the alleged offences and has been falsely implicated in the present crime. The entire dispute arises out of purely monetary transactions. Even according to the allegations made in the complaint the ingredients of the offence punishable under section punishment for 308(2) of Bharatiya Nyaya Sanhita, 2023 are not attracted against the petitioner and the said offence is 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*¹, 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 B.N.S.S.

¹(2014) 8 SCC 273

Hence, the Investigating Officer is directed to follow the procedure as contemplated under the provisions of BNSS and also guidelines formulated by the Hon'ble Supreme Court in *Arnesh Kumar (supra)*.

Post on 09.03.2026.

SD/- AHMED ABDULLAH KHAN
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Special Judicial First Class Magistrate for Excise Cases at Gandhi Bhawan, Hyderabad.
2. The Station House Officer, P.S., Bahadurpura, Hyderabad.
3. Sri Ameenuddin Siddiqui, S/o. Mohd Badiuddin, Aged about 50 years, Occ. Business, R/o H.No. 19-4-370/B/49/A, Chirag Ali, Nagar, Bahadurpura, Hyderabad (by SPAD- along with a copy of petition and memorandum of grounds)
4. One CC to SRI. MIR MASOOD KHAN Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of Telangana at Hyderabad [OUT]
6. One spare copy

HIGH COURT

JSR, J

DATED:12/02/2026

POST ON 09.03.2026.

NOTICE BEFORE ADMISSION

CRLP.No.1839 of 2026

DIRECTION

