

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SECOND DAY OF MARCH

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 2916 OF 2026

Between:

1. Bourisetty Surya Kamal, S/o Bourisetty Ram Mohan.
2. Bourisetty Ram Mohan, S/o. Bourisetty Keshavulu

Petitioners/Accused 1 & 2

AND

1. The State of Telangana, Rep. by Public Prosecutor, High Court, Hyderabad
Respondent
2. Thokali Srinivasulu, S/o T.Chinna Kathalanna, Occ. Agrl. R/o H.No.2-44,
Ram Nagar Amarachintha, Wanaparthi Dist

Respondent/Defacto Complainant

WHEREAS the Petitioners above named through their Advocate SRI V V NARASIMHA RAO 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 call for the records relating to the FIR No.140 of 2025 on the file of the Amarachintha Police Station, Wanaparthi, dated 17.10.2025 for the alleged offence U/Secs. 329 (3), 324 (4) 352, r/w. 3 (5) of BNSS., 2023 and Quash the same;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of SRI V V NARASIMHA RAO 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;

Thokali Srinivasulu S/o T.Chinna Kathalanna, Occ. Agri. R/o H.No.2-44,
Ram Nagar Amarachintha, Wanaparthi Dist

are directed to show cause on or before 20.04.2026 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: 1 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 grant STAY of all further proceedings in FIR No.140 of 2025 on the file of the Amarachintha Police Station, Wanaparthi, dated 17.10.2025 for the alleged offence U/Secs. 329 (3), 324 (4) 352, r/w. 3 (5) of BNSS., 2023 including the arrest of the Petitioners, pending disposal of CRLP No. 2916 of 2026, on the file of the High Court.

The Court made the following:

ORDER

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 by way of Speed Post with Acknowledgment Due and file proof of service.

Sri V.V. Narasimha Rao, learned counsel for the petitioners, submits that the petitioners have not committed the alleged offence and have been falsely implicated in the present crime. He further submits that even as per the allegations made in the complaint, the dispute is purely civil in nature. Petitioner No.1 had filed O.S. No. 89 of 2025 on

the file of the learned Junior Civil Judge, Atmakur, Wanaparthy District, and the trial Court granted an ad-interim injunction in favour of petitioner No. 1 in I.A. No. 305 of 2025 on 24.11.2025 and the said suit is pending. He further submits that the offences levelled against the petitioners are punishable with imprisonment for less than seven years. 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 the BNSS.

Hence, the Investigating Officer is directed to follow the due procedure as contemplated under the provisions of the BNSS, insofar as petitioners/accused Nos.1 and 2 is concerned.

Post on 20.04.2026.

//TRUE COPY//

Sd/- A.SREENIVASA REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Atmakur, Wanaparthy District
2. The Station House Officer, Amarachaintha Police Station, Wanaparthy
3. Thokali Srinivasulu,, S/o T.Chinna Kathalanna, Occ. Agrl. R/o H.No.2-44, Ram Nagar Amarachintha, Wanaparthy Dist (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 V V NARASIMHA RAO Advocate [OPUC]
6. One spare copy

¹(2014) 8 SCC 273

4

HIGH COURT

JSR,J

DATED:02/03/2026

Post on 20.04.2026

NOTICE BEFORE ADMISSION



CRLP.No.2916 of 2026

STAY