

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

TUESDAY, THE TWENTY FOURTH DAY OF MARCH

TWO THOUSAND AND TWENTY SIX

:PRESENT:
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 4200 OF 2026

Between:

Vamsi Kundan, S/o. Vemulapalli Srinivasulu,

Petitioner/Accused

AND

1. The State of Telangana, Rep. by Public Prosecutor

Respondent

2. Sri. B. Sarvesham, Occ. Assistant Executive Engineer, Sub Division -1, North
Tanks Devision, 3rd Floor, Buddha Bhavan, Secunderabad

Respondent/De-facto Complainant

WHEREAS the Petitioner above named through his Advocate SRI RAJESH MADDY 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 Quash the impugned FIR No. 286/2026, dated 25.02.2026 on the files of P.S. Kukatpally, Cyberabad.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of SRI RAJESH MADDY Advocate for the Petitioner, and Additional 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. B. Sarvesham, Occ. Assistant Executive Engineer, Sub Division -1, North
Tanks Devision, 3rd Floor, Buddha Bhavan, Secunderabad.

are directed to show cause on or before 30.04.2026 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 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 all further proceedings including arrest of the Petitioner in relation to FIR No. 286/2026, dated 25.02.2026 on the files of P.S. Kukatpally, Cyberabad.

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

Mr.Rajesh Maddy, learned counsel for the petitioner submits that, based on the complaint lodged by respondent No.2, Crime No.286 of 2026 was registered for the offences under Sections 329(3) and 324(4) of the Bharatiya Nyaya Sanhita, 2023, Section 49 of the Irrigation Act and Section 35 of the Telangana Water, Land and Trees Act, 2002 (for short, 'TSWALTA'). He further submits that respondent No.2 ought to have filed the complaint before the learned Magistrate and taken steps in accordance with the provisions of the Telangana Irrigation Act, 1357 Fasli, on the other hand, filed the complaint before the police and the Investigating Officer has no authority or jurisdiction to register the crime or proceed with the investigation. Hence, the continuation of proceedings against the petitioner is a clear abuse of process of law.

Taking into consideration the above submissions, this Court is of the view that detailed examination is required for adjudication of the case.

Notice before admission.

Learned Additional Public Prosecutor takes notice on behalf of respondent No.1

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.

Post on 30.04.2026.

Till then, there shall be an interim stay of all further proceedings against the petitioner/accused in FIR No.286 of 2026 on the file of Kuktapally Police Station, Cyberabad. In default of filing proof of service, the stay shall stand vacated. However, it is made clear that this order shall not preclude the concerned authorities from taking steps to protect the irrigation tank.

Sd/- M.NAGAMANI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The XII Addl. Junior Civil Judge cum XII Additional Metropolitan Magistrate Medchal-Malkajgiri at Prashanthnagar, Kukatpally.
2. The Station House Officer, Kukatpally Police Station, Cyberabad Commissionerate.
3. Sri. B. Sarvesham, Occ. Assistant Executive Engineer, Sub Division -1, North Tanks Devision, 3rd Floor, Buddha Bhavan, Secunderabad (by SPAD- along with a copy of petition and memorandum of grounds)
4. One CC to SRI. RAJESH MADDY Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court at Hyderabad (OUT)
6. One spare copy

HIGH COURT

JSR,J

DATED:24/03/2026

POST ON 30.04.2026



NOTICE BEFORE ADMISSION

CRLP.No.4200 of 2026

INTERIM STAY