

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY FIFTH DAY OF MARCH

TWO THOUSAND AND TWENTY SIX

:PRESENT:**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO****CRIMINAL PETITION NO: 4335 OF 2026****Between:**

1. Narayan Chowdhary @ NarayanlalSirvi S/o LumbaramSirvi
2. SunilSirvi, S/o Narayan Chowdhary @ NarayanlalSirvi
3. KailashSirviNarayan Chowdhary @ NarayanlalSirvi

Petitioners/Accused No.1 to 3**AND**

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad
2. Gadda Kumar, S/o Roshaiiah, R/o Kistajigudam Village Chilpur Mandal District Jangaoan

Respondents/Defacto Complainant

WHEREAS the Petitioners above named through their Advocate SRI M RATHAN SINGH 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 Crl.P., the High Court may be pleased to quash the proceedings against the Petitioners/Accused No.1 to 3 in F.I.R No. 41 of 2026, on Dated 23/02/2026, registered with the station House officer of P.S. Ghanpur, District Warangal, registered for the offence, Punishable Under Section, 318 (4), 296(b), 351(2), R/w section 3(5) of BNS;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of SRI M RATHAN SINGH Advocate for the Petitioners, 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;

Gadda Kurnar, S/o Roshaiyah R/o Kistajigudam Village ChilpurMandal
District Jangaoan

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 the Proceedings (Including the arrest of Petitioners/ Accused No.1 to 3 in F.I.R Na. 41 of 2026, on Dated 23/02/ 2026, registered with the station House officer of P.S. Ghanpur, District Warangal, registered for the offence, Punishable Under Section, 318 (4), 296(b), 351(2), R/w section 3(5) of BNS, arising from the Respondent No.2, pending disposal of CRLP No.4335 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.

Learned counsel for the petitioners submits that the petitioners have not committed the alleged offence and have been falsely implicated in the present crime. Even according to the allegations made in the complaint, the ingredients for the offence under Sections 318(4),

296(b), 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 are not attracted against the petitioners and they are 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 petitioners. However, 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 and also the guidelines formulated by the Hon'ble Supreme Court in *Arnesh Kumar supra*, insofar as petitioners/accused Nos.1 to 3 is concerned.

Post on 30.04.2026.

Sd/- AHMAD ABDULLA KHAN
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Ghanpur Station -
2. The Station House Officer, Ghanpur W Police Station, Warangal -
3. Gadda Kumar S/o Roshaiyah, R/o Kistajigudam Village ChilpurMandal District Jangaoan (by SPAD- 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 M RATHAN SINGH Advocate [OPUC] -
6. One spare copy -

¹(2014) 8 SCC 273

HIGH COURT

JSR,J

DATED:25/03/2026

List on 30.04.2026

NOTICE BEFORE ADMISSION

CRLP.No.4335 of 2026

DIRECTION

