

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

THURSDAY, THE TWENTY SIXTH DAY OF MARCH

TWO THOUSAND AND TWENTY SIX

:PRESENT:
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 4431 OF 2026

Between:

Mr. Eega Nithin Kanna, S/o Late E.Kannaiah,

Petitioner/Accused No.2

AND

1. The State of Telangana., Rep. by its Public Prosecutor. High Court building at Hyderabad Through PS Afzalgunj, Hyderabad.
2. Sri.Rajpurohit Hemraj, S/o Sri Rajpurohit Mothiji, Occ.Business, R/o H.No. 15-4-143, Gowliguda Chaman, Hyderabad, Telangana State-500012

Respondents/Defacto Complainant

WHEREAS the Petitioner above named through his Advocate SRI C KUMAR presented this Petition under 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 Quash the Proceedings in CC.NO. 8772 OF 2024 on the file of II Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad against the petitioner/Accused-2 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 C KUMAR 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.Rajpurohit Hemraj, S/o Sri Rajpurohit Mothiji, Occ.Business, R/o H.No.15-4-143, Gowliguda Chaman, Hyderabad, Telangana State-500012.

are directed to show cause on or before 07.07.2026 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 stay all further Proceedings in CC.NO.8772 OF 2024 on the file of II Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad including personal appearance of the petitioner/Accused-2, during the pendency of the present Quash Petition in the interest of justice

The Court made the following:
ORDER:

Mr. C. Kumar, learned counsel for the petitioner, submits that the petitioner has not committed any offence and has been falsely implicated by respondent No.2 in the present case. The allegations leveled against the petitioner are purely civil in nature. Even according to the allegations made either in the complaint or in the final report, the ingredients for the offences under Sections 342, 384, 447, 506 read with 34 of the Indian Penal Code, 1860 and Section 156(3) of the Code of Criminal Procedure, 1973 are not attracted against the petitioner.

He further submitted that the father of the petitioner namely E. Kannaiah filed a suit vide O.S.No.974 of 2022 before the III Junior Civil Judge, City Civil Court, at Hyderabad, seeking partition, separate possession and to declare the Registered Sale Deed document No.746 of 2022 dated 21.02.2022 as null and void and not binding on him. In the said suit, respondent No.2 herein was arrayed as defendant No.16. When the said comprehensive civil suit is pending before the said Court, respondent No.2 filed the present case by giving it a criminal colour. During the pendency of the said suit, E. Kannaiah expired, and the petitioner, being his successor, has been prosecuting the suit proceedings. Hence, the continuation of the proceedings against the petitioner is a clear abuse of process of law.

Taking into consideration the above said submissions, this Court is of the view that the grounds, which were raised by the learned counsel for the petitioner, require detailed examination.

Notice before admission.

Learned Additional Public Prosecutor takes notice on behalf of respondent No.1 and seeks further time.

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 07.07.2026.

Till such time, there shall be an interim stay of all further proceedings against the petitioner/accused No.2 in C.C.No.8772 of 2024 on the file of the II Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.

In default of filing proof of service by the next date of hearing, the interim stay granted shall stand vacated.

Sd/- N.SRIHARI
DEPUTY REGISTRAR

//TRUE COPY//



SECTION OFFICER

To,

1. The II Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Afzalgunz Police Station, Hyderabad.
3. Sri.Rajpurohit Hemraj, S/o Sri Rajpurohit Mothiji, Occ.Business, R/o H.No.15-4-143, Gowliguda Chaman, Hyderabad, Telangana State-500012 (by SPAD- along with a copy of petition and memorandum of grounds)
4. One CC to SRI: C KUMAR Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court at Hyderabad (OUT)
6. One spare copy

HIGH COURT

JSR,J

DATED:26/03/2026

POST ON 07.07.2026

NOTICE BEFORE ADMISSION

CRLP.No.4431 of 2026

INTERIM STAY

