

(SHOW CAUSE NOTICE BEFORE ADMISSION)  
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD  
TUESDAY, THE THIRTY FIRST DAY OF MARCH  
TWO THOUSAND AND TWENTY SIX

**:PRESENT:**

**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**  
**CRIMINAL PETITION NO: 4668 OF 2026**

**Between:**

1. Mohd Waseem, S/o Mohd MujeebUIRehman, Aged about 54 yrs, Occ. Business, R/o H.No.1 to38-13-132/gn/172, Ghouse Nagar, Bandlaguda, Hyderabad.
2. Mohd Amer,, S/o Mohd Ataur Rahman, Aged about 32yrs, Occ. Advocate, R/o H.No.8-28, Shaheen Nagar, ZamZam Bakery, PahadiShareef Road, Rangareddy District.
3. Jabri @ Mohd Bin Abdullah Jabri, S/o Late Abdullah Jabri, Aged about 40yrs, Occ. Business, R/o H.No. 18-11-67/7/D, Barkas, Bandlaguda, Hyderabad

**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. Mohammed Pasha,, S/o GulamRasool, Aged about 57yrs, Occ. Govt. Official Non-Gazetted, R/o H.No.18-8-104/135/A, Pandit Narender Nagar, Chariminar, Edibazar, Hyderabad

**Respondents/De-facto Complainant**

WHEREAS the Petitioners above named through their Advocate SRI SANJEEVA REDDY GARLAPATI 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 quash the proceedings against the Petitioners/Accused No.1 to 3 in Cr.No,446/2025 of Balapur Police Station, Hyderabad District;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri SANJEEVA REDDY GARLAPATI 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:

Mohammed Pasha, S/o GulamRasool, Occ. Govt. Official Non-Gazetted, R/o  
H.No.18-8-104/135/A, Pandit Narender Nagar, Chariminar, Edibazar,  
Hyderabad

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 151 CPC praying that in the circumstances stated in the affidavit filed in support of the criminal petition, the High Court may be pleased to stay of all further proceedings including the arrest of the Petitioners/Accused No. 1 to 3 in Cr.No.446/2025 of Balapur Police Station,, Hyderabad District, pending disposal of CRLP No. 4663 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 offences and have been falsely implicated in the present crime. He further submits that the nature of allegations is purely civil in nature. Even according to the allegations made in the complaint, the ingredients of Sections 329(3), 324(5) and 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*<sup>1</sup>, 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.

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<sup>1</sup>(2014) 8 SCC 273

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 are concerned.

Post on 30.04.2026.

  
Sd/- P.CH.NAGABHUSHAMBA  
DEPUTY REGISTRAR

//TRUE COPY//

  
SECTION OFFICER

To,

1. 1 Additional Junior Civil Judge-cum-Additional Judicial 1<sup>st</sup> Class Magistrate, L.B.Nagar, R.R. District.
2. The Station House Officer, P.S. Balapur, Rachakonda.
3. Mohammed Pasha,, S/o GulamRasool, Occ. Govt. Official Non-Gazetted, R/o H.No.18-8-104/135/A, PanditNarender Nagar, Chariminar, Edibazar, Hyderabad (by SPAD- along with a copy of petition and memorandum of grounds)
4. One CC to SRI. SANJEEVA REDDY GARLAPATI Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad.(OUT)
6. One spare copy

**HIGH COURT**

**JSRJ**

**DATED:31/03/2026**

**POST ON 30.04.2026**

**NOTICE BEFORE ADMISSION**

**CRLP.No.4668 of 2026**

**DIRECTION**

