

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 5334 OF 2026

Between:

Sri Pallapu Laxmi Narayana, S/o Pallapu Ramulu, Aged about 46 years,
Occ.Managing Director, M/s Sunitha Infrastructures Pvt. Ltd., R/o. Flat . No.105,
Block-A, Amulya Heights, Kushaiguda, Hyderabad - 500 062

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana. Hyderabad
2. Sri Nanjuti Gopal, S/o Pentaiah, Aged 56 years, Occ. Not Known, R/o H.No. 9-2-558, Regimental Bazar, Secunderabad.

...RESPONDENTS

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Quash the FIR in Crime No.152/2026 dated 12.02.2026 registered by P.S. Neredmet, Medchal-Malkajgiri District, registered under Sections 406 & 420 IPC against the Petitioner.

I.A. NO: 2 OF 2026

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay of all further proceedings including pending disposal of the FIR in Crime No.152/2026 dated 12.02.2026 registered by P.S. Neredmet, Medchal-Malkajgiri District, registered under Sections 406 & 420 IPC against the Petitioner.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Sushael Kumar Juloori , Advocate for the Petitioner and Sri Jithender Rao Veeramalla Additional Public Prosecutor on behalf of Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.5334 of 2026

Date: 10.04.2026

Between:

Sri Pallapu Laxmi Narayana

...Petitioner

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in FIR No.152 of 2026 of Neredmet Police Station, Rachakonda, wherein the petitioner was arrayed as accused, for the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860 (for short 'IPC').

2. Heard Mr.J.Susheel Kumar, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for the respondent No.1.

3. With the consent of both the learned counsel, the criminal petition is disposed of at the admission stage.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offences and has been falsely implicated in the present case. He further submitted that the allegations levelled against the petitioner are purely civil in nature, relating to monetary transactions concerning centring items. Respondent No.2, without approaching the competent civil court, has filed the present criminal petition by giving a criminal colour. Even according to the allegations made in the complaint, the ingredients of Sections 406 and 420 of the IPC are not attracted against the petitioner and the said offences cannot go together, in view of the principle laid down by the Hon'ble Apex Court in *Delhi Race Club (1940) Ltd. & Ors vs. State of Uttar Pradesh & Anr*¹. Hence, continuation of proceedings against the petitioner is a clear abuse of process of law.

5. He further submitted that the offences levelled against the petitioner are punishable with imprisonment for a term of 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"), as well as the guidelines formulated by the Hon'ble Apex Court in

¹ 2024 INSC 626

*Arnesh Kumar v. State of Bihar*², is proceeding with the matter, which is contrary to law.

6. *Per contra*, the learned Additional Public Prosecutor submitted that there are specific allegations against the petitioner to attract the aforesaid offences. However the offences levelled against the petitioner are punishable with imprisonment of less than seven years. When the Investigating Officer tried to serve notice under Section 35(3) of the BNSS, the petitioner did not come forward to the Police Station to receive the said notice and did not cooperate with the Investigating Officer. Hence, the petitioner is not entitled for any relief as sought in the criminal petition.

7. By way of reply, learned counsel for the petitioner submitted that the petitioners will appear before the Investigating Officer on or before 22.04.2026, cooperate with the investigation, and submit his reply/explanation along with relevant documents. He further submitted that the Investigating Officer may be directed to follow the due procedure as contemplated under the provisions of the BNSS.

8. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer intends to follow the procedure prescribed under the provisions of the BNSS.
9. Taking into consideration the above said submissions, the petitioner/accused is directed to appear before the Investigating Officer, on or before 22.04.2026, and on such appearance, the Investigating Officer is entitled to issue notice under Section 35(3) of the BNSS and follow the guidelines issued by the Apex Court in *Arnesh Kumar* supra. The petitioner is entitled to submit reply/explanation along with the documents, which are available with him to the Investigating Officer and shall cooperate with the investigation. The Investigating Officer is entitled to strictly follow the procedure contemplated under Section 35(3) of the BNSS, as well as the guidelines formulated by the Hon'ble Apex Court in *Arnesh Kumar* (supra).
10. Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- P PONNA KRISHNA,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Junior Civil Judge cum I Additional Judicial First Class Magistrate Medchal-Malkajgiri District at Kushaiguda
2. The Station House Officer, Neredmet Police Station, Medchal-Malkajgiri District
3. One CC to SRI SUSHEEL KUMAR JULOORI, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies



ADK

HIGH COURT

DATED: 10/04/2026

ORDER

CRLP.No.5334 of 2026



DISPOSING OF THE CRLP

8/MT
13/4/26