

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

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

:PRESENT:
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO
CRLP NO: 5851 OF 2026

Between

1. Raghuveera Reddy,, S/o B. Rami Reddy,
2. Sita, W/o Raghuveera Reddy,

.....PETITIONERS/Accused No.1 & 2

AND

1. The State of Telangana,, Rep by its Public Prosecutor, Through Malakpet Police Station, High Court of Telangana State, Hyderabad.

Respondent

2. Khaleel Ahmed, S/o Shabeer Ahmed, Occ. Business, R/o Malakpet, Hyderabad

Respondent/De-facto Complainant

WHEREAS the Petitioners above named through their Advocate SRI. RAPOLU BHASKAR presented this Petition under Section 482 of Cr.P.C or U/s 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 F.I.R.No.77 of 2026, dt.04.03.2026 on the file of the Malakpet Police Station 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. RAPOLU BHASKAR Advocate for the Petitioners, 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:

Khaleel Ahmed,, S/o Shabeer Ahmed, Occ. Business, R/o Malakpet, Hyderabad.

✓

are directed to show cause on or before 15.06.2026 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.

I.A. NO: 2 OF 2026

Petition under Section 482 of Cr.P.C or 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 to grant stay of all further Proceedings in F.I.R.No.77 of 2026, dt.04.03.2026 on the file of the Malakpet Police Station including appearance of the petitioners pending disposal of the main petition.

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.

Upon perusal of the record, it reveals that respondent No. 2 has not furnished full particulars of his residential address.

In view of the same, the learned Additional Public Prosecutor is directed to inform the concerned SHO to serve notice to respondent No. 2 and file proof of service.

Mr.Rapolu Bhaskar, learned counsel for the petitioners, submits that the petitioners have not committed the alleged offence and have been falsely implicated in the present crime. He further submits that the nature of allegations is purely civil in nature pertaining to monetary transaction. Even according to the allegations made in the complaint, the ingredients of Sections 318(4) and 316(2) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 are not attracted against the petitioners and 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. He further submitted that the offences under Sections 318(4) and 316(2) of the BNS, 2023 cannot go together in view of the Judgment of the Hon'ble Supreme Court in *Delhi Race Club (1940) Ltd. & Ors vs. State of Uttar Pradesh & Anr*², wherein it was held that both the offences of cheating and criminal breach of trust cannot go together.

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 and 2 are concerned.

Post on 15.06.2026.

Sd/- B.REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The VII Additional Chief Judicial Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Malakpet Police Station, Hyderabad.
3. Khaleel Ahmed,, S/o Shabeer Ahmed, Occ. Business, R/o Malakpet, Hyderabad[by SPAD-along with a copy of petition and memorandum of grounds]
4. One CC to Sri. RAPOLU BHASKAR Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. One spare copy

¹(2014) 8 SCC 273

² (2024) 10 SCC 690

HIGH COURT

JSR, J

DATED: 20-04-2026

NOTICE BEFORE ADMISSION

POST ON 15.06.2026

CRLP.No.5851 of 2026

DIRECTION

