

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

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6186 OF 2026

Between:

Mohammed Aamar, S/o Mohammed Habeed Uddin, Aged about 35 years, Occ. Business, R/o H.No. 11-3-266/42, Shahbaz Guda, Mahmood Guda, Secunderabad, Hyderabad, Telangana - 500061.

...Petitioners/Accused No.1

AND

1. The State of Telangana, Represented by Public Prosecutor, High Court of Telangana, Hyderabad
2. Konda Vishal Goud, S/o Sataiah, Aged about 27 years, Occ. Business, R/o Nakkalapalli Village, Moinabad Mandal, Ranga Reddy District, Telangana

...Respondent/Defacto-Complainant

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 FIR No.168/2026 under Section 318(4), 305(b),r/w 3(5) BNS at MOINABAD PS, THE COURT OF FIRST ADDITIONAL JUNIOR CIVIL JUDGE-CUM-XII ADDITIONAL JUDICIAL MAGISTRATE OF FIRST CLASS, RANGAREDDY DISTRICT AT RAJENDRANAGAR, along with all consequential proceedings.

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 STAY of all further proceedings in FIR NO. 168/2026 under Section 318(4), 305(b),r/w 3(5) BNS at MOINABAD PS,THE COURT OF FIRST ADDITIONAL JUNIOR CIVIL JUDGE-CUM-XII ADDITIONAL JUDICIAL MAGISTRATE OF FIRST CLASS, RANGAREDDY DISTRICT AT RAJENDRANAGAR.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mohd. Fasiuddin, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the 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.6186 of 2026

Date: 22.04.2026

Between:

Mohammad Aamar

...Petitioner/Accused No.1

AND

The State of Telangana,
Represented by Public Prosecutor,
High Court at Hyderabad and another

...Respondents

ORDER

This Criminal Petition is filed seeking to quash the proceedings in Crime No.168 of 2026 of Moinabad Police Station, Future City Commissionerate, wherein the petitioner was arrayed as accused No.1 for the offences punishable under Sections 318(4), 305(b) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS").

2. Heard Mr. Mohd. Fasiuddin, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for the respondent No.1 – State.

3. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and that he has been falsely implicated in the present case. The nature of the allegations levelled in the complaint is purely civil in nature and pertains to monetary transaction, in respect of vehicle purchase by the petitioner. He further submitted that respondent No.2/*de facto* complainant filed the present complaint by giving criminal colour instead of approaching the competent Civil Court for seeking recovery of the alleged amount. Even according to the allegations made in the complaint, the ingredients of the offences under Sections 318(4), 305(b) read with 3(5) of the BNS are not attracted against the petitioner.

4. He further submitted that the offences levelled against the petitioner are punishable with imprisonment 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 *Arnesh*

*Kumar v. State of Bihar*¹, is proceeding with the matter, which is contrary to law.

5. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioner submitted that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. It is further submitted that when the Investigating Officer tried to serve notice under Section 35(3) of the BNSS, the petitioner did not cooperate with the same. However, if the petitioner cooperates, the Investigating Officer will strictly follow the due 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).

6. Learned counsel for the petitioner submits that the petitioner will appear before the Investigating Officer on or before 05.05.2026 and submit his reply/explanation along with relevant documents to the Investigating Officer.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the offences levelled against the petitioner

¹ (2014) 8 SCC 273

are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer will follow the very same procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in *Arnesh Kumar* (supra).

8. In view of the above, the petitioner is directed to appear before the Investigating Officer on or before 05.05.2026 and on such appearance, the Investigating Officer is directed to follow the due procedure as prescribed under the provisions of the BNSS and the guidelines issued by the Hon'ble Apex Court in *Arnesh Kumar* (supra). It is needless to mention that the petitioner is entitled to put forth his grievance before the Investigating Officer and he is also entitled to submit the documents, which are in his custody.

9. Accordingly, the Criminal Petition ~~is~~ disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- N.CHANDRA SEKHAR
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The First Additional Junior Civil Judge-Cum-Xii Additional Judicial Magistrate of First Class, Rangareddy District At Rajendranagar
2. The Station House Officer, Moinabad Police Station, Future City.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri Mohd. Fasiuddin, Advocate [OPUC]
5. Two CD Copies

HIGH COURT

DATED: 22/04/2026



ORDER

CRLP.No.6186 of 2026

DISPOSING THE CRIMINAL PETITION

⑧
15/05/26
R.K