

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

**THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6273 OF 2026

Between:

Nanide Sampath Reddy, S/o. Nanide Ram Reddy, Aged 55 yrs, Occ. Pvt. Employee, R/o. H.No. 3-86, Alair, Mandia, Golankonda, Nalgonda, Telangana – 508101.

...Petitioner/Accused No. 2

and

1. The State of Telangana, Rep. through Public Prosecutor, High Court, At Hyderabad.

...Respondent No.1

2. Enugu Raji Reddy, S/o. E. Penta Reddy, Age. 50 years, Occ. Business, R/o. Flat No.102, Manasa Nest Apartments, MJ Colony, Moulali, Hyderabad - 500 040.

...Respondent No. 2/De-facto 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 the F.I.R. No. 623 of 2025 registered at Keesara Police Station, Rachakonda Commissionerate, Medchal-Malkajgiri District.

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 all further proceedings including arrest of the Petitioner in relation to Crime No. 623 of 2025 registered at Keesara Police Station, Rachakonda Commissionerate, Medchal-Malkajgiri District, pending disposal of the Criminal petition in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Ms. Bobbala Jyothirmmai, 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.6273 of 2026

Date: 23.04.2026

Between:

Nanide Sampath Reddy

...Petitioner

AND

The State of Telangana and another

...respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in FIR No.623 of 2025 of Keesara Police Station, Rachakonda Commissionerate, wherein the petitioner was arrayed as accused No.2 for the offences punishable under Sections 406, 420 and 503 r/w 34 of the Indian Penal Code, 1860.

2. Heard Ms.Bobbala Jyothirmai, learned counsel for the petitioner and Mr.V.Jithendar Rao, learned Additional Public Prosecutor for respondent No.1.

3. Learned counsel for the petitioner submitted that the issue raised in this criminal petition is squarely covered by the order passed by this Court in CrI.P.No.17348 of 2025, dated 22.12.2025.

4. Learned Additional Public Prosecutor has not opposed the submissions made by the learned counsel for petitioner.

5. Taking into consideration the submissions made by the respective parties; the order passed by this Court in CrI.P.No.17348 of 2025, dated 22.12.2025, and as the offences levelled against the petitioner are punishable with imprisonment of less than seven years, this Court is of the considered view that the Investigating Officer ought to have followed the procedure as contemplated under Section 41-A of the Criminal Procedure Code, 1973 (for short, 'Cr.P.C.)/Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') and also the guidelines formulated by the Apex Court in *Arnesh Kumar Vs. State of Bihar*¹.

6. For the foregoing reasons, the Investigating Officer is directed to follow the procedure contemplated under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS and follow the guidelines issued by the Apex Court in *Arnesh Kumar* (supra) and conclude the investigation.

7. Accordingly, this criminal petition is disposed of.

¹(2014) 8 SCC 273

Pending miscellaneous applications, if any, shall stand closed.

SD/- A.SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Junior Civil Judge-Cum III Additional Judicial Magistrate of First-Class At Kushaiguda.
2. The Station House Officer, Keesara Police Station, Rachakonda Commissionerate.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Ms. Bobbala Jyothirmmai, Advocate [OPUC]
5. Two CD Copies
(Enclose the copy of the Order in CrIp No. 17348 of 2025, Dated 22.12.2025 to this Order)

GNK/ka

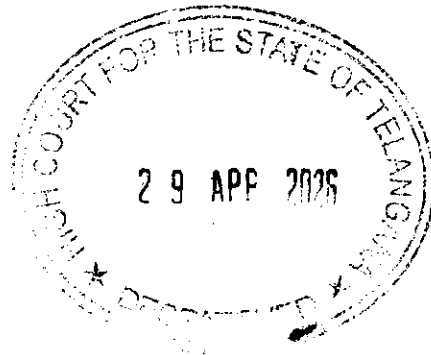


HIGH COURT

DATED: 23/04/2026

ORDER

CRLP.No.6273 of 2026



DISPOSING THE CRIMINAL PETITION

8/34
28/04/2026

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

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.17348 of 2025

Date: 22.12.2025

Between:

Nampally Prabhakar Reddy

...Petitioner

AND

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

...Respondents

ORDER

This Criminal Petition is filed seeking to quash the proceedings in Crime No.623 of 2025, on the file of the Keesara Police Station, Rachakonda Commissionerate, Medchal-Malkajgiri District, wherein the petitioner was arrayed as accused No.1, for the offences punishable under Sections 406, 420, 503 r/w 34 of Indian Penal Code.

2. Heard Ms.B.Jyothirmmai, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1-State.

3. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and has been falsely

implicated in the present case. Even according to the allegations made in the compliant, the nature of the allegations is purely civil in nature. The ingredients for the offences under Sections 406, 420, 503 r/w 34 of IPC are not attracted. He submitted that the Investigating Officer issued notice under Section 94 of Bharatiya Nagarik Suraksha Sanhitha, 2023 on 15.10.2025. Pursuant to the same, petitioner submitted detailed report on 26.10.2025 and enclosed a copy of the registered document dated 10.10.2018. In spite of the same, the Investigating Officer without following the mandatory procedure as contemplated under Section 41-A of the Criminal Procedure Code, 1973 (for short, 'Cr.P.C.)/Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') and also the guidelines formulated by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹ proceeded with the investigation and the same is contrary to law.

4. He further submitted that the offences under Section 406 and 420 cannot go together in view of the principle laid down by the Hon'ble Apex Court in **S.N. Vijayalakshmi & Ors. vs. The State of Karnataka & Anr**².

¹(2014) 8 SCC 273

² 2025 SCC OnLine SC 1575

5. *Per contra*, learned Additional Public Prosecutor submitted that as the punishment prescribed for the offences levelled against the petitioner is less than seven (07) years, the Investigating Officer will follow the due procedure under Section 41-A of the Criminal Procedure Code, 1973 (for short, 'Cr.P.C.)/Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') and also the guidelines formulated by the Apex Court in **Arnesh Kumar** supra. He further submitted that basing on the grounds urged by the learned counsel for the petitioner, the petitioner is not entitled for quashment of the proceedings at this stage especially when the investigation is under progress.

6. Having considered the rival submissions made by both the 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. The Investigating Officer has already issued notice under Section 94 of the BNSS to the petitioner on 15.10.2025. Pursuant to the same, petitioner submitted detailed report on 26.10.2025. The record further reveals that the petitioner had enclosed the registered document bearing No.20370 of 2018 dated 10.10.2018. Hence, this Court is of the considered view that the Investigating Officer ought to have followed the procedure as contemplated under Section 41-A

of the Criminal Procedure Code, 1973 (for short, 'Cr.P.C.)/Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in **Arnesh Kumar** supra.

7. For the foregoing reasons, the Investigating Officer is directed to scrupulously follow the procedure contemplated under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** supra and conclude the investigation.

8. With the above said direction, this criminal petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

J.SREENIVAS RAO, J

Date: 22.12.2025
NIT