

(SHOW CAUSE NOTICE BEFORE ADMISSION)
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
CRLP NO: 6179 OF 2026

Between

1. Rama Kotaiah @ V. Rama Koteswara Rao, S/o. V. Satyanarayana,
2. Hari Suresh,, S/o. Nagamalleswara Rao
3. G. Subhash, S/o. G Satyanarayana,
4. Dadi Adinarayana,, S/o. Dadi Babuji,

.....PETITIONERS/Accused No.1 to 4

AND

1. State of Telangana, Rep. By its Public Prosecutor High Court for the state of Telangana at Hyderabad Through SHO, KPHB Police Station, Cyberabad
Respondent/Respondent
2. Sukhavas Alekhya,, W/o. Rajendra Babu, R/o. Plot No. 131, Lakshmi Elight Pragathinagar Kaman, Bachupally, Medchal Malkajgiri District

Respondent/De-facto Complainant

WHEREAS the Petitioners above named through their Advocate Ms. M TRIVENI presented this Petition under Section 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 FIR No. 510 of 2026 on dated 18.04.2026 on the file of SHO, KPHB PS, Cyberabad against the Petitioners/Accused No 1 to 4.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Ms. M TRIVENI 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:

Sukhavas Alekhya,, W/o. Rajendra Babu, R/o. Plot No. 131, Lakshmi Elight Pragathinagar Kaman, Bachupally, Medchal Malkajgiri District

are directed to show cause on or before 22.06.2026 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 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 STAY of the proceedings in FIR No. 510 of 2026 on dated 18.04.2026 on the file of SHO, KPHB PS, Cyberabad including the appearance of the petitioners/ accused no.1 to 4, pending disposal of main criminal petition.

The Court made the following:

ORDER

Notice before admission.

Learned Additional Public Prosecutor takes notice on behalf of respondent No.1 and seeks one week's time for getting instructions.

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.

Ms. M.Triveni, learned counsel for the petitioners, submits that the petitioners have not committed the alleged offences and they have been falsely implicated in the present crime and the nature of allegations levelled in the complaint are purely civil in nature and respondent No.2 filed the present complaint by giving criminal colour. It is further submitted that when respondent No.2 was trying to occupy the property of Janakirama Welfare Association, the said association lodged complaint against respondent No.2-*de-facto* complainant on 12.03.2026, before the Station House Officer, KPHB Police Station, Hyderabad and while the said complaint is pending, respondent No.2 filed the present complaint against the petitioners as a counterblast. Even according to the allegations made in the complaint, the ingredients of Sections 126(2), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhitha, 2023 are not attracted against the petitioners and all the offences 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') and without following the guidelines formulated by the Hon'ble Supreme Court in *Arnesh Kumar Vs. State of Bihar*¹, is proceeding the investigation 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.

Hence, the Investigating Officer is directed to follow the due procedure as contemplated under the provisions of the BNSS, insofar as petitioner/accused is concerned.

Post on 22.06.2026.

Sd/- S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The IV AJCJ CUM XV Addl. Judicial Magistrate of First Class, at Kukatpally, Medchal-Malkajgiri District.
2. The Station House Officer, KPHB Police Station, Cyberabad Commissionerate.
3. Sukhavas Alekhya,, W/o. Rajendra Babu, R/o. Plot No. 131, Lakshmi Elight Pragathinagar Kaman, Bachupally, Medchal Malkajgiri District[by SPAD-along with a copy of petition and memorandum of grounds]
4. One CC to Ms. M TRIVENI 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

HIGH COURT

JSR, J

DATED: 22-04-2026

NOTICE BEFORE ADMISSION



POST ON 22.06.2026

CRLP.No.6179 of 2026

DIRECTION