

(SHOW CAUSE NOTICE BEFORE ADMISSION)
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
CRLP NO: 6322 OF 2026

Between

Mohammed Mujahid Ali Imran, S/o. Late Mohammed Wajid Ali,

.....PETITIONER/Accused No.2

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court Buildings, Hyderabad. Through the S.H.O., Tolichowki Police Station, Hyderabad District.
2. Rehana Begum, D/o Mohd Abdul Gaffar, Occ. House wife, R/o.H.No. 2-3-512/A/27, Chenna Reddy Nagar, Amberpet, Hyderabad

Respondents/De-facto Complainant

WHEREAS the Petitioner above named through his Advocate Sri. M A SHAKEEL 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 call for the records in F.I.R.No. 128 of 2026, dated 08/03/2026 on the file of S.H.O., Tolichowki Police Station, Hyderabad District in so far petitioner/accused No.2 is concerned.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri. M A SHAKEEL Advocate for the Petitioner, 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:

Rehana Begum,, D/o Mohd Abdul Gaffar, Occ. House wife, R/o.H.No. 2-3-512/A/27, Chenna Reddy Nagar, Amberpet, Hyderabad.

are directed to show cause on or before 02.07.2026 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 grant stay of all further proceedings including appearance of the petitioner/Accused No.2 herein in connection with F.I.R.No. 128 of 2026, dated 08-03-2026 on the file of S.H.O., Tolichowki Police Station, Hyderabad District, pending disposal of the above criminal petition in this Court.

The Court made the following:

ORDER

Notice before admission.

Learned counsel for the petitioner is permitted to take out personal notice to respondent No.2 by way of Speed Post with Acknowledgment Due and file proof of service.

Mr. M.A. Shakeel, learned counsel for the petitioner, submits that the petitioner has not committed the alleged offences and has been falsely implicated in the present crime by making omnibus allegations. The allegations leveled against the petitioner are purely civil in nature. The petitioner has not forged or fabricated any document as alleged in the complaint. Thus, the ingredients of the offences under sections 336(3), 340(2), 318(4) and 316(2) of the Bharatiya Nyaya Sanhitha, 2023 are not attracted against the petitioner and the imprisonment for the said offences is below 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.

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 petitioner. However, this Court would not be justified in granting a stay of further investigation pending the proceedings under Section 528 of the BNSS.

¹(2014) 8 SCC 273

Hence, the Investigating Officer is directed to follow the due procedure as contemplated under the provisions of the BNSS and guidelines of Arnesh Kumar (*supra*), insofar as petitioner/accused No.2 is concerned.

Post on 02.07.2026.

Sd/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The XVII Additional Chief Judicial Magistrate, Nampally, Hyderabad.
2. The Station House Officer, Tolichowki Police Station, Hyderabad.
3. Rehana Begum,, D/o Mohd Abdul Gaffar, Occ. House wife, R/o.H.No. 2-3-512/A/27, Chenna Reddy Nagar, Amberpet, Hyderabad[by SPAD-along with a copy of petition and memorandum of grounds]
4. One CC to Sri. M A SHAKEEL Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. One spare copy

HIGH COURT

JSR, J

DATED: 23-04-2026

NOTICE BEFORE ADMISSION



POST ON 02.07.2026

CRLP.No.6322 of 2026

DIRECTION