

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

**MONDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6293 OF 2026

Between:

Islawath Tharun, S/o. Islawath Hari Naik Occ: Student, Aged - 24 years, R/o.
H. No. 1-3/1, Chilukur, Nalgonda District 508 206.

...PETITIONER/ACCUSED No.7

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, At Hyderabad
2. G Suresh Kumar, Sub Inspector of Police Police Station Lalaguda Secunderabad

...RESPONDENT No.1

Petition under Section 528 of B.N.S.S Act praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Quash the FIR in Crime No. 130 of 2025 dated 03-07-2025 on the file of the P.S. Lalaguda, Secunderabad as against the Petitioner/Accused No. 7.

I.A. NO: 2 OF 2026

Petition under Section 528 of B.N.S.S Act praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay of further proceedings in FIR in Crime No. 130 of 2025 dated 03-07-2025 on the file of the P.S. Lalaguda, Secunderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri RAMDAS B , Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and 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.6293 of 2026

Date: 04.05.2026

Between:

Islawath Tharun.

...Petitioner/accused No.7

AND

The State of Telangana,

Rep. by its Public Prosecutor,

High Court for the State of Telangana at Hyderabad and another.

...Respondent No.1/De-facto Complainant/Respondent No.2

Order

This Criminal Petition is filed seeking to quash the proceedings in FIR No.130 of 2025, on the file of the Lalaguda Police Station, Secunderabad, wherein the petitioner was arrayed as accused No.7, for the offence punishable under 8(c) r/w 20(b)(ii)(A) of The Narcotic Drugs And Psychotropic Substances, Act, 1985.

2. Heard Mr. B. Ramdas, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent Nos.1 and 2. With their consent, this criminal petition is disposed of at the state of admission.

3. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offences and has been falsely implicated in the present crime. It is further submitted that the petitioner was not present at the alleged scene of offence, nor did the police seize any contraband from the petitioner. Hence the ingredients for the offences under Section 8(c) r/w 20(b)(ii)(A) of the NDPS Act are not attracted. It is further submitted that the petitioner has been falsely implicated in the present crime solely on the ground that his mobile number was allegedly found with accused No.1, though the said number does not belong to the petitioner. The investigation officer also failed to conduct the medical examination to the petitioner. Hence, continuation of the proceedings against the petitioner is a clear abuse of the process of law, particularly, in view of the principal laid down by the Hon'ble Apex Court in *Tofan Singh v. The State of Tamilnadu*,¹ wherein, it was held that the confessional statements recorded under Section 67 of the NDPS Act will remain inadmissible in the trial of an offence under the NDPS Act, 1985.

¹ 2021(4) SCC 1

4. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioner and that there exists a conspiracy between the petitioner and the other accused. Whether the petitioner's role is involved in the crime or not can be revealed during the course of the investigation and the investigation is under progress. It is further submitted that the Investigating Officer had already issued notice under under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS against the petitioner. After following the due procedure as contemplated under the provisions of the BNSS, the Investigating Officer would file the final report. Hence, the petitioner is not entitled to seek quashing of the proceedings at this stage.

5. By way of reply, learned counsel for the petitioner submitted that the petitioner is a student and, despite the petitioner having already submitted his explanation/grievance pursuant to the notice issued under Section 35(3) of the BNSS, the Investigating Officer has not concluded the investigation. Therefore, learned counsel for the petitioner requested this Court to direct the Investigating Officer to conclude the investigation by fixing time limit.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that even according to the parties, the Investigating Officer has already issued notice under Section 35(3) of the BNSS to the petitioner/accused No.7 and the petitioner is entitled to put forth his grievance before the Investigating Officer to the said notice, by raising all the pleas which are available to him, if not already given reply. Even according to the learned Additional Public Prosecutor, the investigation is under progress.

7. Taking into consideration the peculiar facts and circumstances of the case, and that the petitioner is a student, the Investigating Officer is directed to conclude the investigation, as expeditiously as possible. It is needless to mention that the petitioner shall cooperate with the investigation.

8. Subject to the above directions, the Criminal Petition is disposed of.

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Miscellaneous applications, pending if any, shall stand closed.

SD/- A.SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//



SECTION OFFICER

To,

1. The XXII ADDL CHIEF JUDICIAL MAGISTRATE, AT SECUNDERABAD
2. The S.H.O , LALAGUDA P.S, HYDERABAD DISTRICT
3. One CC to SRI. RAMDAS B, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

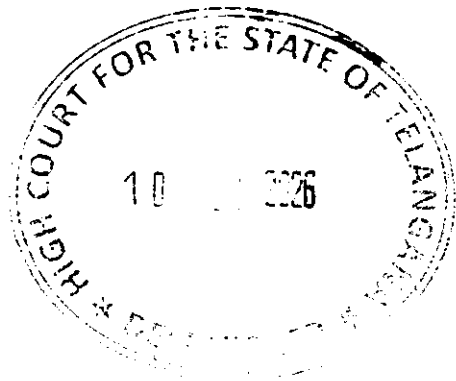
KA
pmg.

HIGH COURT

DATED: 04/05/2026

ORDER

CRLP.No.6293 of 2026



DISPOSING OF THE CRIMINAL PETITION

⑧ PMG.
6/6/26.