

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: 7070 OF 2026

BETWEEN:

Sanjay Soni @ Sanjay Sonu, S/o Rajan Soni, aged about 43 Years, Occ.
Business, R/o, Plot-3 Kausalya Estate Karkhana, Secunderabad- 500015

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana
2. Smt. Suman Dhokarwal, W/o Dalbir Singh Dhokarwal, Aged about 38 years, Occ. House Wife, R/o Flat No. 406, 5th Floor, Siraj Plaza, Fareed Basthi, Domalguda, Hyderabad, Telangana.

...Respondents

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 proceeding against the Petitioners /Accused in the FIR in Crime No. 140/2026 dated 21-04-2026 on the file of P.S. Domalguda registered under Sections 79, 351(2), 352 BNS and Section 67 of IT Act against the Petitioner, in the interest of Justice.

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 the arrest of Petitioners / Accused to FIR in Crime No. 140/2026 dated 21-04-2026 on the file of P.S. Domalguda, Hyderabad District Pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri J.Susheel Kumar, 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.7070 of 2026

Date: 04.05.2026

Between:

Sanjay Soni @ Sanjay Sonu

...Petitioner/accused

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in F.I.R.No.140 of 2026 of Domalguda Police Station, Hyderabad, wherein the petitioner was arrayed as accused, for the offences punishable under Sections 79, 351(2), and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') and Section 67 of the Information and Technology Act, 2000-2008.

2. Heard Mr. J. Susheel Kumar, learned counsel for the petitioner, Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. With their consent, the criminal petition is disposed of at the stage of admission.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offences and has been falsely implicated in the present case. The allegations levelled in the complaint are purely civil in

nature in respect of monetary transaction. Even according to the allegations levelled in the complaint, the ingredients of the offences under Sections 79, 351(2), and 352 of the BNS are not attracted. He further submitted that monetary disputes are pending between the husband of respondent No.2 and the petitioner. Petitioner lodged a complaint against the husband of respondent No.2 and others. Basing on the said complaint, crime No.72 of 2026 was registered on 03.03.2026 on Karkhana Police Station, Malkajgiri. At the instance of husband of respondent No.2, respondent No.2 lodged the present complaint as a counter blast by making omnibus allegations. Hence, the continuation of proceedings against the petitioner is a clear abuse of the process of law. 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') 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.

5. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioner to attract the

¹(2014) 8 SCC 273

above said offences. Whether the allegations levelled against the petitioner are true or not, the same has to be revealed during the course of investigation, especially, the investigation is under progress. The Investigating Officer recorded the statements of LWs 1 and 2. Hence, the petitioner is not entitled to seek quashing of the proceedings at the threshold. However, as the offences levelled against the petitioner are punishable with imprisonment of less than seven years, when the Investigating Officer is trying to serve the notice under Section 35(3) of the BNSS, the petitioner is not coming forward to receive the notice and not cooperating with the investigation and further submitted that the Investigating Officer will follow the due procedure as contemplated under the provisions of the BNSS.

6. Learned counsel for the petitioner by way of reply submitted that the petitioner will cooperate with the investigation.

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer will follow the due procedure as contemplated under the provisions of the 35(3) of the BNSS.

8. In view of the same, the petitioner is directed to appear before the Investigating Officer on or before 16.05.2026 and on such appearance, the Investigating Officer is directed to follow the procedure contemplated under the provisions of the BNSS, and also the guidelines formulated by the Hon'ble Apex Court in *Arnesh Kumar* (supra) and the petitioner shall cooperate with the investigation. It is needless to mention that the petitioner is entitled to submit reply to the notice under Section 35(3) of the BNSS by raising all the pleas which are available to him and he is also entitled to submit the documents, if any, which are in his custody, to the Investigating Officer.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/-P C SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The X Additional Chief Judicial Magistrate At Secunderabad
2. The XI Additional Chief Judicial Magistrate At Secunderabad
3. The Station House Officer, Domalguda Police Station, Hyderabad.
4. The Station House Officer, Karkhana Police Station, Malkajgiri District.
5. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
6. One CC to Sri J.Susheel Kumar, Advocate [OPUC]
7. Two CD Copies

GNK

HIGH COURT

DATED: 04/05/2026



ORDER

CRLP.No.7070 of 2026

DISPOSING THE CRIMINAL PETITION

(10) NT
12/5/26.