

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: 7113 OF 2026

Between:

1. Allala Sathya Bhaskar Reddy, S/o. Adi Reddy, Aged about 51 years, Occ. Business, R/o Mallampet, Bachupally, Medchal-Malkajgiri District
2. Jilla Sridhar, S/o J.Bhaskar, Aged about 45 years, Occ. Business, R/o Jeedimetla, Medchal-Malkajgiri District

...Petitioners/Accused

AND

1. The State of Telangana, Through Public Prosecutor, High Court for the State of Telangana at Hyderabad
2. Bandaru Sai Manikanta, S/o Bandaru Shiva Kumar, Aged about 23 years Occ. Business, R/o H.No.7-1-37/A, Monda Market, Secunderabad.

...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 FIR No.178/2026 of P.S. S.R.Nagar, Hyderabad under Sections 329 (4), 324 (4), 305 (a), R/w 3 (5) BNS as the same is untenable either on facts or under law.

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 in FIR No.178/2026 of P.S. S.R.Nagar, Hyderabad under Sections 329 (4), 324 (4), 305 (a), R/w 3 (5) BNS including arrest of Petitioners pending disposal of the main 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 Sri G Rajeshwar Reddy, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of 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.7113 of 2026

Date: 04.05.2026

Between:

Allala Sathya Bhaskar Reddy and another

...Petitioners/Accused

AND

The State of Telangana and another.

...Respondents

Order:

This Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short 'the BNSS') by the petitioners/accused seeking to quash the proceedings in F.I.R.No.178 of 2026 of S.R. Nagar Police Station, Hyderabad, registered for the offences punishable under Sections 329(4), 324(4), 305(a) read with 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'the BNS').

2. Heard Mr. G. Rajeshwar Reddy, learned counsel for the petitioners, and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for respondent No.1.

3. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and have been falsely

implicated in the present crime. The allegations levelled against the petitioners are purely civil in nature, arising out of the lease agreement dated 01.04.2025. The petitioners are in possession of the subject property pursuant to the said lease agreement, which was said to have been executed by one Boddam Mallesh Yadav. Respondent No.2 filed the present complaint to settle the civil disputes pending between them before the competent Civil Court. Even according to the allegations made in the complaint, the ingredients for the offences under Sections 329(4), 324(4), 305(a) read with 3(5) of the BNS are not attracted against the petitioners. The offences leveled against the petitioners are punishable with imprisonment up to seven years. However, the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the BNSS, the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹, the principles laid down by the Hon'ble Apex Court in **Md. Asfak Alam v. The State of Jharkhand & another** (Crl.A.No.2207 of 2023) dated 31.07.2023, and also the circular issued by this Court in ROC.No.1399/SO/2023 dated 09.08.2023, is proceeding with the investigation, which is contrary to law. Hence, the continuation of

¹(2014) 8 SCC 273

proceedings against the petitioners is a clear abuse of process of law.

4. *Per contra*, the learned Additional Public Prosecutor, basing upon the written instructions dated 01.05.2026 furnished by the Sub-Inspector of Police, S.R. Nagar Police Station, Hyderabad City, submitted that the Investigating Officer has already issued notice under Section 35(3) of the BNSS to petitioners/accused Nos.1 and 2 on 20.04.2026 and the petitioners are entitled to submit their grievance/reply before the Investigating Officer along with relevant documents. Whether the petitioners have committed the offence or not, has to be revealed during the course of investigation, especially when the investigation is under progress.

5. The learned counsel for the petitioners, by way of reply, submits that the petitioners have not received the notice under Section 35(3) of the BNSS. They only received the notice under Sections 94 and 179 of the BNSS, issued by the concerned SHO, directing the petitioner to produce the relevant documents, though the said notice is not permissible under law. The Investigating Officer ought to have issued the said notice to the witnesses, not to the accused.

6. Having considered the rival submissions made by the respective parties and upon perusal of the material available on

record, it reveals that the offences leveled against petitioners/accused Nos.1 and 2 are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer has already issued notice under Section 35(3) of the BNSS to petitioners/accused Nos.1 and 2 on 20.04.2026. In view of the same, petitioners/accused Nos.1 and 2 are entitled to put forth their grievance to the said notice and also they are entitled to submit the documents, if any, which are in their possession.

7. In view of the above, the Investigating Officer is directed to follow the procedure as contemplated under the provisions of the BNSS, 2023. It is needless to mention that the petitioners shall cooperate with the investigation.

8. Accordingly, the criminal petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- M. OSMAN ALI BAIG
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

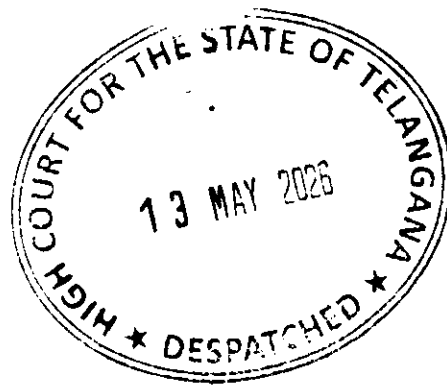
1. The III Additional Chief Judicial Magistrate, Hyderabad
2. The Station House Officer, S R Nagar Police Station, Hyderabad
3. One CC to SRI. G RAJESHWAR REDDY, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

HIGH COURT

DATED: 04/05/2026

ORDER

CRLP.No.7113 of 2026



DISPOSING OF THE CRLP

8 MT
11/5/26