

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

**TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 7207 OF 2026

Between:

1. Sandeep Sharma, S/o Bansidhar Sharma, Aged about 50 years, Occ. Business, R/o H. No. 3-6- 536/301, Raja Residency, Flat No.301, III Floor, Street No.6, Besides Slate School, Himayath Nagar, Telangana, Hyderabad - 500029
2. Pradeep Kumar Sharma, S/o Bansidhar Sharma, Aged about 54 years, Occ. Business, R/o H. No. 5- 5-879, Hindi Nagar, Goshamahal, Nampally, Begum Bazaar, Telangana, Hyderabad - 500012
3. D.Thanaji Rao, S/o D.Maruthi Rao, Aged about 42 years, Occ. Private Employee, R/o H.No.21-4-1002, Charmahal, Petlaburj, Charminar, Hyderabad, Telangana, 500002.
4. Aarthi Sharma, W/o Sandeep Sharma, Aged about 45 years, Occ. Housewife, R/o. H.No. 3-6-536/301, Raja Residency, Flat No.301, III Floor, Street No.6, Besides Slate School, Himayath Nagar, Telangana, Hyderabad - 500029
5. Shloka Sharma, D/o. Sandeep Sharma, Aged about 25 years, Occ. Student, R/o H. No. 5-5-879, Goshamahal, Nampally, Begum Bazaar, Telangana, Hyderabad - 500012
6. Shlesha Sharma, D/o. Sandeep Sharma, Aged about 22 years, Occ. Student, R/o H. No. 5-5-879, Goshamahal, Nampally, Begum Bazaar, Telangana, Hyderabad - 500012.
7. Ashutosh Sharma, S/o. Pradeep Kumar Sharma, Aged about 26 years, Occ. Student R/o H. No. 5-5- 879, Goshamahal, Nampally, Begum Bazaar, Telangana, Hyderabad - 500012
8. Asha Sharma, C/o. Mahesh Sharma, Aged about 60 years, Occ. House wife, R/o. 21-6- 723, Besides Namak Ka Karkhana, Chelapur Jubilee, Bahadurpura, Charminar, Hyderabad, Telangana - 500002

...Petitioners/Accused Nos.1 to 8

AND

1. The State of Telangana, through S.H.O. P.S., EOW TEAM-VII, Ccs, rep. by its Public Prosecutor, High Court Hyderabad District Telangana.

...Respondent/Complainant

2. Sri. Pramod Singh, S/o Thakur Singh, age.41 years, Occ. Advocate, R/o. H.No. 1-9- 286/2/4/3/1/A, Ramnagar Vidyanagar, Hyderabad.

...Respondent/De-facto Complainant

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 of the FIR in Crime No. 87 of 2026, on the file of P.S., EOW-Team VII CCS, Hyderabad District for the offences under Sections 318(4) r/w 61(2) of BNS against the Petitioners.

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 grant stay of all further proceedings in Crime No. 87 of 2026, on the file of P.S., EOW-Team VII CCS, Hyderabad District for the offences under Sections 318(4) r/w 61(2) of BNS against the Petitioner, 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 Vempati Mallikarjun Shastry, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of Respondent No.1 and of Sri Vinod Singh, Advocate 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.7207 of 2026

Date: 05.05.2026

Between:

Sandeep Sharma and seven others

...Petitioners

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.87 of 2026 of Central Crime Station, Hyderabad, wherein the petitioners were arrayed as accused Nos.1 to 8 for the offences punishable under Sections 318(4) r/w 61(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Mr.Vempati Mallikharjun Shastry, learned counsel for the petitioners; Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1 and Mr.Vinod Singh, learned counsel for respondent No.2.

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

4. Learned counsel for the petitioners submits that the petitioners have not committed the alleged offences and have been falsely implicated in the present case. The allegations levelled against the petitioners in the complaint are purely civil in nature pertaining to monetary transactions. Respondent No.2 ought to have approached the competent Civil Court, on the other hand, filed the present criminal petition by making omnibus allegations and the same is not permissible under law. He further submitted that accused No.1 was already enlarged on bail. The offences levelled against the petitioners 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. Learned counsel for respondent No.2 submitted that the petitioners have committed grave offences, and there are specific allegations levelled in the complaint that accused No.1 collected

¹(2014) 8 SCC 273

huge amounts from respondent No.2 and other victims under the guise of investment. Hence, the ingredients of the offence under Sections 318(4) read with 61(2) of the BNS are attracted against the petitioners, and the petitioners are not entitled to seek quashing of the proceedings at this stage.

6. Learned Additional Public Prosecutor has also reiterated the very same submissions made by the learned counsel for the petitioners. However, he submits that the offences levelled against the petitioners are punishable with imprisonment of less than seven years and when the Investigating Officer is trying to serve notice under Section 35(3) of the BNSS, the petitioners are not cooperating with the investigation.

7. Learned counsel for the petitioners submits that the petitioner Nos.2 to 8 will appear before the Investigating Officer and cooperate with the investigation.

8. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the offences levelled against the petitioners are punishable with imprisonment of less than seven years. Even

according to the learned Additional Public Prosecutor, the Investigating Officer intends to follow the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in *Arnesh Kumar* (supra).

9. In view of the above, the petitioner Nos.2 to 8 are directed to appear before the Investigating Officer on or before 19.05.2026 and on such appearance, Investigating Officer is entitled to issue notice under Section 35(3) of the BNSS. The petitioner Nos.2 to 8 are entitled to submit their reply/explanation along with the documents which are available with them to the Investigating Officer.

10. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

**SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR**

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SECTION OFFICER

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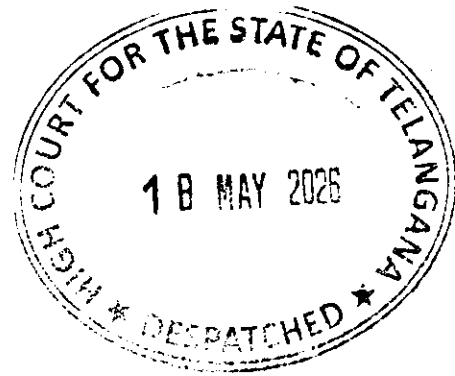
1. The XII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad
2. The Station House Officer, Central Crime Station Police Station, Hyderabad
3. One CC to Sri Vempati Mallikarjun Shastry, Advocate [OPUC]
4. One CC to Sri Vinod Singh, Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

HIGH COURT

DATED: 05/05/2026

ORDER

CRLP.No.7207 of 2026



DISPOSING OF THE CRLP

(9) NT
14/5/26.