

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

WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

**PRESENT
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

CRIMINAL PETITION NO: 7536 OF 2026

Between:

1. Girish Agarwal, S/o Mahendhar Kumar Agarwal R/o #3-6-465 B6, Legend Siddhi Apartments, Hayathnagar, Hyderabad, Telangana-500029
2. Anma Reddy S/o Late Narsa Reddy R/o # 21-3-511/1/2, Moosa Bowli Dargi Galli, Charminar, Hyderabad, Telangana-500002 (As per Aadhar Card) Hanuma Reddy (As per the F.I.R)

...PETITIONER/ACCUSED Nos.1&2

AND

1. The State of Telangana, Rep.by its Public Prosectuor, High Court for the State of Telangana, High Court Buildings, Hyderabad, Through S.H.O., Police Station, Goshamahal, Hyderabad

...RESPONDENT NO.1/COMPLAINANT

2. M.Raghavendra, Sub Inspector of Police, Goshamahal Traffic Police

...RESPONDENT NO.2/DEFACTO 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 the FIR No.149 of 2026 dated 28.04.2026 registered by Goshamahal Police Station, Hyderabad against the Petitioners/Accused No1&2.

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 Crime No.149 of 2026 on the file of P.S.Goshamahal for the alleged offences Under Sections 318, 351, 292, 221, 205 and 125 of the Bharatiya Nyaya Sanhita and Sections 177 and 184 of the Motor Vehicles Act, against the Petitioners/Accused 1&2 including the investigation and arrest of the Petitioners/Accused Nos.1&2 during the pendency of the present Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri S.Abhijeeth Reddy, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1.

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.7536 of 2026

Date: 06.05.2026

Between:

Girish Agarwal and another

...Petitioners

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.149 of 2026 on the file of Goshamahal Police Station, Hyderabad, wherein the petitioners were arrayed as accused Nos.1 and 2 for the offences punishable under Sections 318, 351, 292, 221, 205 and 125 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') and Section 177 and 184 of the Motors Vehicle Act, 1988 (for short 'MV Act').

2. Heard Mr.S.Abhijeeth Reddy, learned counsel for the petitioners and 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 petitioners submits that the petitioners have not committed the alleged offences and have been falsely implicated in the present case by making omnibus allegations. Even according to the allegations made in the complaint, the ingredients of the offences under Sections 318, 351, 292, 221, 205 and 125 of the BNS and Section 177 and 184 of the MV Act, are not attracted against the petitioners and 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 specific allegations are levelled against the petitioners to attract the ingredients for the offences under Sections 318, 351, 292, 221, 205 and 125 of the BNS and Section 177 and 184 of the MV Act and the petitioners are not entitled to seek quashing of the proceedings at this stage, especially investigation is under progress. However, he submits that the offences levelled against the petitioners are punishable with

¹(2014) 8 SCC 273

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 avoiding to receive the said notice.

6. Learned counsel for the petitioners submits that the petitioners will appear before the Investigating Officer and cooperate with the investigation.

7. 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 is ready and willing 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).

8. In view of the above, the petitioners are directed to appear before the Investigating Officer on or before 20.05.2026 and on such appearance, Investigating Officer is entitled to issue notice under Section 35(3) of the BNSS. The petitioners are entitled to submit their reply/explanation along with the documents which are available with them to the Investigating Officer.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- A V S PRASAD
DEPUTY REGISTRAR

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SECTION OFFICER

To,

1. The XVI Additional Chief Judicial Magistrate, Nampally Court, Hyderabad
2. The Station House Officer, Goshamahal Police Station, Hyderabad
3. One CC to Sri S.Abhijeeth Reddy ,Advocate (OPUC)
4. Two CCs to Public Prosecutor, High Court of Telangana (OUT)
5. Two CD Copies

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HIGH COURT

DATED: 06/05/2026

ORDER

CRLP.No.7536 of 2026



Disposing of the Crl.P.

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