

**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: 7441 OF 2026

BETWEEN:

Md. Sariful Khan @ Md. Sharif-UI-Khan @ Badal, S/o. Md. Sahidhulla Khan,
aged about 48 years, Occ. Business, R/o. H. No. 8-2-103/6, Barkatpura,
Nizamabad.

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad For the State of Telangana at Hyderabad
2. Mr. Mohar Uddin Mondal, S/o. Alam Mondal, Age. 46 Years, Occ. Business, R/o. H. No. 7-9-44, Deviroad, Nizamabad.

...Respondent No.2/Complainant

3. Mr. Mehraj Ali Khan, S/o. Late Mohseen Ali Khan, Age. 57 Years, Occ. Business, R/o. H. No. 12-1-45/3, Sanath Nagar, Nizamabad

...Respondent No.3/Accused No.1

Respondent No. 3 is not necessary party to this Petition

...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. 158 of 2026, Dt. 24-04-2026, of PS Nizamabad I Town, Nizamabad. pending on the file of 1st Additional Judicial First Class Magistrate at Nizamabad District.

I.A. NO: 1 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 Arrest of the petitioner in pursuance to the FIR No. 158 of 2026, Dt. 24-04-2026, of PS Nizamabad I Town, Nizamabad, pending on the file of 1st Additional Judicial First Class Magistrate at Nizamabad District pending disposal of the above CRLP.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Ali Faraz Farooqui, 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 Nos. 2 & 3.

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.7441 of 2026

Date: 06.05.2026

Between:

Md. Sariful Khan @ Md. Sharif-Ul-Khan @ Badal

...Petitioner

AND

The State of Telangana and others.

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.158 of 2026 on the file of Nizamabad I Town Police Station, Nizamabad District, wherein the petitioner was arrayed as accused No.2 for the offence punishable under Section 318 (4) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Sri Ali Faraz Farooqui, learned counsel for the petitioner 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 petitioner submits that the petitioner has not committed the alleged offence and has been falsely implicated in the present case. He further submits that there is no dishonest intention on the part of the petitioner to attract the ingredients of the offence under Section 318(4) of the BNS. The said allegations are levelled against accused No.1 only. The petitioner was falsely implicated as accused No.2 only on the ground that the petitioner signed the alleged documents as a witness. 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 ingredients of the offence under Section 318(4) of the BNS. Whether there is any conspiracy between the petitioner and

¹(2014) 8 SCC 273

accused No.1, and whether there is any dishonest intention on the part of the petitioner, the same has to be revealed during the course of investigation, especially the investigation is under progress and petitioner is not entitled to seek quashing of the proceedings at this stage. However, the offences levelled against the petitioner are punishable with imprisonment of less than seven years and the Investigating Officer will follow the procedure as contemplated under Section 35(3) of the BNSS.

6. By way of reply, learned counsel for the petitioner submits that the petitioner 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 petitioner 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 as contemplated under Section 35(3) of the BNSS.

8. In view of the above, the petitioner is directed to appear before the Investigating Officer on or before 22.05.2026 and on

such appearance, Investigating Officer is entitled to issue notice under Section 35(3) of the BNSS. The petitioner is entitled to submit his reply/explanation along with the documents which are available with him to the Investigating Officer.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- MOHD.ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

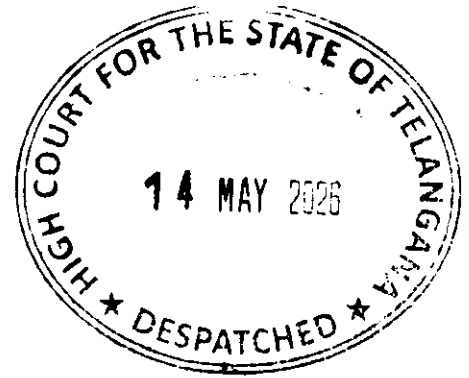
To,

1. The 1st Additional Judicial First Class Magistrate at Nizamabad District.
2. The Station House Officer, Nizamabad Town Police Station, Nizamabad District.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri. Ali Faraz Farooqui, Advocate [OPUC]
5. Two CD Copies

AAI GNK/KA

HIGH COURT

DATED: 06/05/2026



ORDER

CRLP.No.7441 of 2026

DISPOSING THE CRIMINAL PETITION

8 MT
14/5/26