

**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: 7555 OF 2026

Between:

**M.Naresh @ Madanapu Naresh S/o Sriramulu R/o Plot No.20, Central Park,
Kompally, Qutbullapur, Medchal Malkajgiri District, Telanangan-500014**

...PETITIONER/ACCUSED

AND

**1. The State of Telangana,, rep. by its Public Prosecutor, High Court at
Hyderabad. ...RESPONDENT/COMPLAINANT**

**2. Swetha Kanumukkala W/o Naresh R/o Flat No.402, Qutbullapur, Medchal-
Malkajgiri District, Telangana-500014# 9398176613**

...RESPONDENT/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 proceedings against the petitioner/Accused in Crime No.592 of 2026 dated 21.04.2026 on the file of P.S.Petbasheerabad, Cyberabad District for the offences U/s 85, 352 of BNS in the interest of Justice.

I.A. NO: 2 OF 2026

Petition under Section 528 of B.N.S.S 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 against the petitioners/Accused in Crime No.592 of 2026 dated 21.04.2026 on the file of P.S.Petbasheerabad, Cyberabad District for the offences U/s 85, 352 of BNS including the arrest of petitioner 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 Tanaji Pradeep Kumar , 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.7555 of 2026

Date: 06.05.2026

Between:

M.Naresh @ Madanapu Naresh

...Petitioner

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.592 of 2026 on the file of Petbasheerabad, Cyberabad Commissionerate, wherein the petitioner was arrayed as the sole accused for the offences punishable under Sections 85 and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Sri Tanaji Pradeep Kumar, 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. Even according to the allegations made in the

complaint, the ingredients of the offences under Sections 85 and 352 of the BNS, are not attracted against the petitioner. 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 submits that specific allegations are levelled against the petitioner to attract the ingredients for the offence under Sections 85 and 352 of the BNS. However, the Investigating Officer will follow the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in *Arnesh Kumar* (supra).

6. 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

¹(2014) 8 SCC 273

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

7. In view of the above, the Investigating Officer is entitled to follow the procedure contemplated under Section 35(3) of the BNSS and follow the guidelines issued by the Apex Court in *Arnesh Kumar* (supra). The petitioner is entitled to put forth his grievance and also submit reply/explanation along with the documents which are available with him to the Investigating Officer.

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 IX Additional Judicial First Class Magistrate, Cyberabad at Medchal (with records if any)
2. The Station House Officer, Petbasheerabad Police Station, Cyberabad
3. One CC to Sri Tanaji Pradeep Kumar ,Advocate (OPUC)
4. Two CCs to Public Prosecutor, High Court of Telangana (OUT)
5. Two CD Copies

Ks/KA

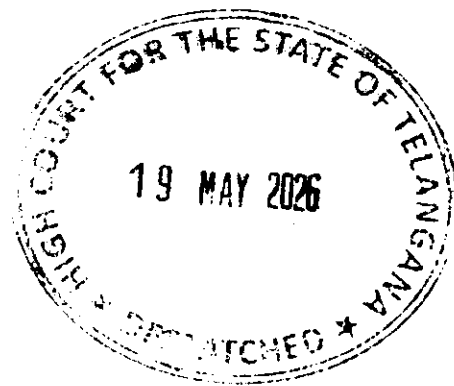


HIGH COURT

DATED: 06/05/2026

ORDER

CRLP.No.7555 of 2026



Disposing of the Crl.P.

Smt
14/5/26