

(SHOW CAUSE NOTICE BEFORE ADMISSION)
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

CRLP NO: 7678 OF 2026

Between

1. Modilla @ Modi Bheemeshwar S/o. Ram Chandraiah
2. Modilla @ Modi Ramesh,, S/o.. Ram Chandraiah.

.....Petitioners/Accused No.1 & 2 (As per Remand dairy)

AND

1. The State of Telangana through SHO Maheshwaram Police staion, Rep., by Public Prosecutor, High Court for the State of Telangana, at Hyderabad.
2. Gona Ravi Babu,, S/o. Gona Venkataiah Goud, Occupation. Business, R/o.H.No. 3-199, Ghanpur Village and mandal, Wanaparthi District.

Respondents

WHEREAS the Petitioners above named through their Advocate SRI RAMULU PASUPULA presented this Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the grounds filed in support of the CRIMINAL PETITION, the High Court may be pleased to quash the proceedings against the petitioners/ Accused no. 1 and 2 in connection with FIR No.472 of 2025 On the file of the Maheshwaram Police station Ranga Reddy District;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of SRI RAMULU PASUPULA Advocate for the Petitioner, ADDITIONAL PUBLIC PROSECUTOR for the respondent No.1 directed issue of notice to the Respondent

No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz;

1. Gona Ravi Babu S/o. Gona Venkataiah Goud, Occupation. Business,
R/o.H.No. 3-199, Ghanpur Village and mandal, Wanaparthy District.

are directed to show cause on or before 29.06.2026 to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted.

I.A. NO: 2 OF 2026

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the grounds filed in support of the CRIMINAL PETITION, the High Court may be pleased to stay of all further proceedings against the petitioners/Accused No.1 and 2 in connection with FIR No.472 of 2025 On the file of the Maheshwaram Police station Ranga Reddy District, pending disposal of CRLP No.7678 of 2026, on the file of the High Court.

The Court made the following:

ORDER

Notice before admission.

Learned Additional Public Prosecutor takes notice on behalf of respondent No.1.

Learned counsel for the petitioners is permitted to take out personal notice to respondent No.2 by way of Speed Post with Acknowledgment Due and file proof of service.

Mr.P. Ramulu, learned counsel for the petitioners, submits that the petitioners have not committed the alleged offences and have been falsely implicated in the present crime. He further submits that accused No.5 purchased the subject property from petitioner No.1 through a registered sale deed bearing Document No.15235 of 2023, dated 12.09.2023. Thereafter, accused No.5 executed a registered sale deed in

favour of accused No.6, bearing Document No.15798 of 2023, dated 21.09.2023.

He further submits that the petitioners have neither forged nor fabricated any documents and they are bonafide purchasers of the property. Hence, the ingredients of the offences punishable under Sections 419, 420, 467, 468, and 471 r/w Section 34 of the Indian Penal Code, 1860, are not attracted against the petitioners and the imprisonment for the said offence is less than seven years. He further submitted that 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.

Taking into consideration the above submissions, this Court is of the *prima facie* view that there is force in the submissions made by the learned counsel for the petitioner. However, this Court would not be justified in granting a stay of further investigation pending the proceedings under Section 528 of the BNSS.

Hence, the Investigating Officer is directed to follow the due procedure as contemplated under the provisions of the BNSS and also the guidelines formulated by the Hon'ble Supreme Court in *Arnesh Kumar (supra)*, insofar as the petitioners are concerned.

Post on 29.06.2026.

Sd/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The JCJ Cum XVII Addl. Judicial Magistrate of First Class at Maheshwaram
2. The Station House Officer, Maheshwaram Police station Ranga Reddy District [by SPAD]

¹(2014) 8 SCC 273

3. Gona Ravi Babu S/o. Gona Venkataiah Goud, Occupation. Business, R/o.H.No. 3-199, Ghanpur Village and mandal, Waraparthi District.[by SPAD-along with a copy of petition and affidavit/memorandum of grounds]
4. One CC to SRI RAMULU PASUPULA Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. One spare copy

HIGH COURT

JSR, J

DATED: 06-05-2026

Post on 29.06.2026

NOTICE BEFORE ADMISSION

CRLP.No.7678 of 2026

DIRECTION

