

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

**MONDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 9722 OF 2026

Between:

Mohammed Osman, S/o Late Mohammed Azeez. Aged about 62 years, Occ:
Flower Business, R/o H.No.8-3-229/E/90,Venkatagiri, Shaikpet, Hyderabad

...Petitioner/Accused

AND

1. State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, (Jubili Hills PS) Hyderabad
2. Smt. Arshiya Banu., W/o Liyaqath Ansari, Aged about 34 years, Occ: wellness Coach, R/o H.No.8-3-229/E/90,Venkatagiri, Shaikpet,Hyderabad

...Respondents/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 proceedings in Crime No. 417 of 2026, dated 22.06.2026 of Jubilee Hills P.S, Hyderabad District, against the petitioner/A, as continuations abuse process of law, to give effect to the code and to secure ends of justice.

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 including arrest of the petitioner/A in Crime No. 417 of 2026, dated 22.06.2026 of Jubilee Hills P.S, Hyderabad District, pending disposal of the main criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Vijay Kumar Panuganti, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the Additional Public Prosecutor on behalf of the Respondent No. 1 and of Sri T Vidyadhar Goud, Advocate for the Respondent No. 2.

The Court made the following: ORDER

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 9722 OF 2026

DATE: 06.07.2026

Between :

Mohammed Osman

....Petitioner/Accused

AND

The State of Telangana and another.

...Respondents

: O R D E R :

This criminal petition has been filed by the petitioner/accused seeking to quash the proceedings in Crime No.417 of 2026 of Jubilee Hills Police Station, Hyderabad, registered for the offence under Sections 75(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS').

2. Heard Mr. Vijay Kumar Panuganti, learned counsel for the petitioner, Mr. T. Vidyadhar Goud, learned counsel for the respondent No.2 and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1 State.

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

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and has been falsely implicated in the present crime. Respondent No.2 has filed the present complaint

against the petitioner, who is none other than her father-in-law, by making omnibus allegations only because of the disputes pending between them in respect of the movable and immovable properties, by giving criminal colour. He further submitted that the offence levelled against the petitioner is punishable with imprisonment of less than seven years. Hence, continuation of proceedings against the petitioner is clear abuse of process of law. 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 for the offence under Section 75(2) of the BNS. Whether the petitioner has committed the offence or not has to be revealed during the course of investigation and the petitioner is not entitled to seek quashing of the proceedings at this stage. He further submitted that the Investigating Officer wants 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)

¹(2014) 8 SCC 273

on the ground that the offences levelled against the petitioner is punishable with imprisonment less than years.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the offence levelled against the petitioner is punishable with imprisonment of less than seven years. Even 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 directed 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).

8. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

**SD/- A.H.S.GOWRI SHANKAR
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The XVII Additional Chief Judicial Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Jubilee Hills Police Station, Hyderabad District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Vijay Kumar Panuganti, Advocate [OPUC]
5. One CC to Sri T Vidyadhar Goud, Advocate [OPUC]
6. Two CD Copies

Sa/KA



HIGH COURT

DATED: 06/07/2026



ORDER

CRLP.No.9722 of 2026

DISPOSING OF THE CRIMINAL PETITION

SP-9
14/7/26