

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

**TUESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION NO: 9759 OF 2026

Between:

MALYALA SWEJAN, S/o Srinivas, Aged about 18 years, Occ: Student, R/o
H.No.4-3, Cheppial Village, Kodimial Mandal, Jagtial District, Telangana

...Petitioner/Accused

AND

1. State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. The Station House Officer, Kodimial Police Station, Jagtial District, Telangana

...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 in Crime No.105 of 2026 registered by the 2nd Respondent Police and all consequential proceedings arising therefrom insofar as the petitioner is concerned.

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 grant stay in all further proceedings against the petitioner in Crime No.105 of 2026 including arrest the petitioner, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. Nikhil Goutham Nagula, Advocate for the Petitioner and Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and None Appeared 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. 9759 OF 2026

DATE: 07.07.2026

Between :

Malyala Swejan

....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.105 of 2026 of Kodimial Police Station, Jagtial District, registered for the offences under Section 67-B ITA Act-2008 and Section 15 of POCSO Act, 2012.

2. Heard Mr. Nikhil Goutham Nagula, learned counsel for the petitioner, 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. Even according to the allegations levelled in the complaint, the ingredients of the offences under Sections Section 67-

B ITA Act-2008 and Section 15 of POCSO Act, 2012 are not attracted. He further submitted that even according to the allegations levelled in the complaint, the suspect profile of the petitioner does not prove any commission of offence. He further submitted that petitioner has not circulated any material from his mobile to others. The Investigating Officer has not seized any electronic device and no forensic examination has been conducted on any of the devices. In the absence of any material, the registration of the present crime against the petitioner is contrary to law. Hence, continuation of proceedings against the petitioner is clear abuse of process of law. He also submitted that the offences alleged against the petitioners are punishable with imprisonment of less than seven years. However, the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹, is proceeding with the investigation and the same is contrary to law.

5. *Per contra*, learned Assistant Public Prosecutor submitted that there are specific allegations levelled against the petitioners to attract the above said offences. Whether the allegations in the complaint are true or not can only be revealed during the course of investigation

¹(2014) 8 SCC 273

and petitioner is not entitled to seek quash of the proceedings at threshold, especially when the investigation is under progress. Insofar as the contention of the learned counsel for the petitioner that no electronic device is seized and no forensic examination has been conducted on any of the devices is concerned, learned Additional Public Prosecutor submitted that the Investigating Officer will take appropriate steps in this regard. He further submits that the offences levelled against the petitioner are punishable with imprisonment of less than seven years, the Investigating Officer will follow the due procedure as contemplated under the provisions of the BNSS.

6. Learned counsel for the petitioners, by way of reply, submitted that the petitioner will cooperate with the investigation and upon receipt of the notice under Section 35(3) of the BNSS, he will submit his explanations pursuant thereto.

7. Having considered the rival submissions made by the respective parties and upon 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. In view of the same, the petitioner is directed to appear before the Investigating Officer on or before 25.07.2026 and on such appearance, the Investigating Officer is directed to issue notice under Section 35(3) of

BNSS and follow the guidelines issued by the Apex Court in **Arnesh Kumar** *supra*.

8. It is needless to mention that the petitioner is entitled to put forth his grievance upon receipt of the notice under Section 35(3) of the BNSS and is also entitled to submit the documents, if any, which are in his possession.

9. Subject to the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

//TRUE COPY//

**SD/- P.PONNA KRISHNA
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Station House Officer, Kodimial Police Station, Jagtial District, Telangana
2. One CC to Mr. Nikhil Goutham Nagula, Advocate [OPUC]
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. Two CD Copies

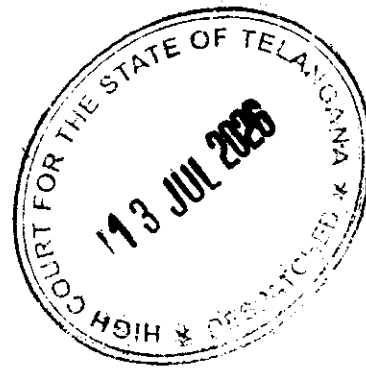
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TKS



HIGH COURT

DATED: 07/07/2026



ORDER

CRLP.No.9759 of 2026

DISPOSING OF THE CRLP

⑦ NT
13/7/26