

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY, THE THIRD DAY OF JULY
TWO THOUSAND AND TWENTY SIX

:PRESENT:
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO
CRLP NO: 10240 OF 2026

Between

Sri. Boya Jalli Parsharamudu, S/o. Narayana,

.....PETITIONER/Accused

AND

1. The State Of Telangana, Represented by the Public Prosecutor. High Court for the State of Telangana. Through SHO, PS Maldakal (M), Jogulamba Gadwal District.
2. Chinna Beesanna Boya, S/o Chennaiah, Occ. Agriculture. R/o Cherlagarlapadu Village, Maldakal Mandal, Jogulamba Gadwal District, Telangana State - 509132.

Respondents/De-facto Complainant

WHEREAS the Petitioner above named through his Advocate Sri. S BHASKAR 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 FIR.No. 87 of 2026, dated 25-05-2026 on the file of the PS Maldakal (M), Jogulamba Gadwal District, for the offences U/sec 125(a), 106(1) BNS against the petitioner/Accused.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri. S BHASKAR Advocate for the Petitioner, and 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:

Chinna Beesanna Boya, S/o Chennaiah, Occ. Agriculture. R/o Cherlagarlapadu Village, Maldakal Mandal, Jogulamba Gadwal District, Telangana State - 509132.

are directed to show cause on or before 24.08.2026 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 all further proceedings including appearance of the petitioner / Accused in pursuance of the FIR.No. 87 of 2026, dated 25-05-2026 on the file of the PS Maldakal (M), Jogulamba Gadwal District.

The Court made the following:

ORDER

Notice before admission.

Learned Additional Public Prosecutor takes notice on behalf of respondent No.1 and seeks time for getting instructions and to proceed with the matter.

Learned counsel for the petitioner 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. S. Bhaskar, learned counsel for the petitioner appeared through video conference, submitted that the petitioner has not committed the alleged offences and has been falsely implicated in the present case. Even according to the allegations levelled in the complaint, the ingredients of the offences under Sections 125(a) and 106(1) of the Bharatiya Nyaya Sanhita, 2023, are not attracted. He further submitted that the imprisonment for the alleged offences is 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') and without following the guidelines formulated by the Hon'ble Supreme Court in Arnes Kumar Vs. State of Bihar¹, 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.

¹(2014) 8 SCC 273

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 petitioner is concerned.

Post on 24.08.2026.

//TRUE COPY//

Sd/- M.OSMAN ALI BAIG
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Principal Judicial First Class Magistrate at Gadwal.
2. The Station House Officer, Maldakal (M) Police Station, Jogulamba Gadwal District.
3. Chinna Beesanna Boya, S/o Chennaiah, Occ. Agriculture. R/o Cherlagarlapadu Village, Maldakal Mandal, Jogulamba Gadwal District, Telangana State - 509132. [by SPAD-along with a copy of petition and memorandum of grounds]
4. One CC to Sri. S BHASKAR 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: 03-07-2026

NOTICE BEFORE ADMISSION



POST ON 24.08.2026

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DIRECTION