



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

MONDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION No: 10762 of 2026

Between:

Nalbothu Mahesh, S/o Nalbothu Ramanjaneyulu, Aged about 34 years,
Occ: Business, R/o H.No.2-47, Mogoli Raval Cheruvu, Itikyal Mandal,
Mahabubnagar District, Telangana - 509128.

...Petitioners/Accused No.2

AND

1. The State of Telangana, Through the SHO, PS Dundigal, Rep. by the Public Prosecutor, High Court, Hyderabad.
2. Mr. Balasubramanyam Raju, S/o. Not Known, Occ. CEO of M/s Aelius Trijal Engineering and Technology R/o. Uppal, Hyderabad.

...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 proceedings against the Petitioners/ Accused No. 2 in Crime No. 625/2026 dated 22/06/2026 on the file of Dundigal Police Station, Cyberabad District registered for the offences under Sections 316(2), 318(4) R/w 3(5) BNS.

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 against the Petitioners/ Accused No.2 in Crime No.625/2026 dated 22/06/2026 on the file of Dundigal Police Station, Cyberabad District including the appearance of the Petitioner till the disposal of the main quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P Vinod Reddy, representing Sri Devara Samhitha, Advocate for the Petitioner and Sri 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



2026:TSHC:12426

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.10762 of 2026

Date: 13.07.2026

Between:

Nalbothu Mahesh

..Petitioner/accused No.2

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.2 seeking to quash the proceedings in Crime No.625 of 2026 of Dundigal Police Station, Cyberabad District, for the offences punishable under Sections 316(2), 318(4) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Mr.P.Vinod Reddy, learned counsel representing Mr.Devara Samhitha, 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 offences and has been falsely implicated in the present case. Even according to the allegations levelled in the complaint, the ingredients of Sections 316(2) and 318(4) of the BNS are not attracted against the petitioner. He further submitted that the offences under Sections 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS") coexist, in view of the principle laid down by the Hon'ble Apex Court in **Delhi Race Club (1940) Ltd. & Ors vs. State of Uttar Pradesh & Anr**¹. He further submitted that the offences levelled against the petitioner are punishable with imprisonment for a term of less than seven years and the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS"), as well as the guidelines formulated by the Hon'ble Apex Court in *Arnesk Kumar v. State of Bihar*², is proceeding with the matter, which is contrary to law.

¹ (2024) 10 SCC 690

² (2014) 8 SCC 273



6. *Per contra*, the learned Additional Public Prosecutor submits that there are specific allegations leveled against the petitioner in the complaint, he along with the other accused, dishonestly induced and cheated respondent No.2. Whether the allegations levelled in the complaint is true or not, the same will be revealed during the course of investigation especially the investigation is in progress and, at this stage, the petitioner is not entitled to seek quashing of the proceedings. He further submits that, since the offences alleged against the petitioner are punishable with imprisonment for a term of less than seven years, the Investigating Officer attempted to serve a notice under Section 35(3) of the BNSS by duly following the guidelines laid down by the ***Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar***. However, the petitioner avoiding to receive the said notice and has not been cooperating with the investigation since the date of registration of the crime

7. By way of reply, learned counsel for the petitioner submitted that petitioner will appear before the Investigating Officer and also cooperate with the investigation.

8. 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 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).

9. In view of the above, petitioner is directed to appear before the Investigating Officer on or before 25.07.2026 on such appearance the investigating officer is directed to follow the due procedure as contemplated under the provisions of BNSS and the guidelines issued by the Hon'ble Apex Court in *Arnesh Kumar* (supra).

10. With the above direction, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

//TRUE COPY//

Sd/- A. JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The VIII Additional Judicial Magistrate of First Class, Medchal
2. The Station House Officer, Dundigal Police Station, Cyberabad
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri Devara Samhitha, Advocate [OPUC]
5. Two CD Copies

ABK /PR

HIGH COURT

DATED: 13/07/2026



2026:TSHC:12426

ORDER

CRLP.No.10762 of 2026



DISPOSING OF THE CRIMINAL PETITION

Signature
17/7/26