

(SHOW CAUSE NOTICE BEFORE ADMISSION)

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY SECOND DAY OF JULY

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRLP NO: 10824 OF 2026

Between

Thipparaveni Shekar S/o. Chandraiah

.....PETITIONER/Accused

AND

1. The State of Telangana, Through SHO, P.S, Elanthakunta, Rajanna Sircilla District, Rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. Borra Deepak S/o.Yadagiri, Occ.Agriculture, R/o.Veljipuram Village, Illanthakunta Mandal, Rajanna Sircilla District.

Respondent/Defacto Complainant

WHEREAS the Petitioner above named through his Advocate SRI S SURENDER REDDY 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 in F.I.R No.124 of 2026 on the file of the Police, P.S, Ellanthakunta, Rajannna Sircilla District in respect the petitioner/ accused in the interest of justice;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of SRI S SURENDER REDDY 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. Borra Deepak S/o. Yadagiri, Occ. Agriculture, R/o. Velipuram Village, Illanthakunta Mandal, Rajanna Sircilla District.

are directed to show cause 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 grant interim stay of all further proceedings in Crime No.124 of 2026 on the file of the Police, P.S, Ellanthakunta, Rajanna Sircilla District in respect the petitioner/ accused in the interest of justice pending disposal of CRLP No 10824 of 2026, on the file of the High Court.

The Court made the following:

ORDER

Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, submits that pursuant to the order dated 13.07.2026, the Sub-Inspector of Police, Ellanthakunta Police Station, had served the notice to respondent No.2 on 21.07.2026 informing him about the filing of the present criminal petition and listing of the present matter and placed on record a copy of the intimation given by the Investigating Officer to respondent No.2. In spite of the same, respondent No.2 has not chosen to enter appearance.

Issue notice before admission.

Learned Additional Public Prosecutor enters appearance 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.Surender Reddy, learned counsel for the petitioner submits that the petitioner has not committed any offence and he has been falsely implicated in the present crime. Even according to the allegations leveled against the petitioner in the complaint, the ingredients of Sections 296(b), 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s) and 3(2)(Va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not attracted against the petitioner. The petitioner has not abused respondent No.2 in the name of his caste. However, respondent No.2 made false allegations against the petitioner on the ground that respondent No.2 borrowed an amount of Rs.1,000/- from the petitioner. When the petitioner had made demand for repayment of the said amount, respondent No.2 lodged the present complaint by making omnibus allegations against the petitioner alleging that the petitioner abused respondent No.2 in the name of his case with an intention to harass the petitioner. Even according to the allegations leveled against the petitioner in the complaint, the alleged offence had taken place on 01.05.2026 at 0830 hours and whereas respondent No.2 filed the present complaint on 18.06.2026 i.e., after a lapse of more than 47 days without assigning any reasons for the said long delay. Only at the instance of local political party people, he had lodged the complaint as an oblique motive. Hence, continuation of the proceedings against the petitioner is a clear abuse of the process of law. He further submits that the offences leveled against the petitioner are punishable with imprisonment of less than seven years. He further submits 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 petitioner/accused is concerned.

Post after six weeks.

SD/- S. MALLIKARJUNA RAO

ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Station House Officer, Police Station, Elanthakunta, Rajanna Sircilla District [by SPAD]
2. Borra Deepak S/o.Yadagiri, Occ.Agriculture, R/o. Veljipuram Village, Illanthakunta Mandal, Rajanna Sircilla District [by SPAD-along with a copy of petition and memorandum of grounds]
3. One CC to SRI S SURENDER REDDY Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. One spare copy

¹(2014) 8 SCC 273

HIGH COURT

JSR, J

DATED: 22-07-2026

Post after six weeks

NOTICE BEFORE ADMISSION

CRLP.No.10824 of 2026

DIRECTION

