

(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: 10822 OF 2026

Between

Abhsettewar Nages @ Nagesh Patel S/o Abhsettewar Kashinath

.....PETITIONER/Accused

AND

1. The State of Telangana, Through Station House Officer, Police Station Madnoor, Kamareddy District, Rep. by Public Prosecutor, High Court For the State of Telangana, at Hyderabad.

Respondent

2. Sarde Baswanth S/o Gangadhar, Occ. Reporter, Sulthanpet Village, Madnoor Mandal, Kamareddy District, Telangana

Respondent/Defacto Complainant

WHEREAS the Petitioner above named through his Advocate SRI M V V BASWA RAJ 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.140/2026 dated 04-07-2026 pending before Madnoor Police Station, Kamareddy District;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of SRI M V V BASWA RAJ 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. Sarde Baswanth S/o Gangadhar, Occ. Reporter, Sulthanpet Village, Madnoor Mandal, Kamareddy District, Telangana

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 Stay all further proceedings including the arrest of the petitioner in FIR No.140/2026 dated 04-07-2026 pending before Madnoor Police Station, Kamareddy District, pending disposal of CRLP No 10822 of 2026, on the file of the High Court.

The Court made the following:

ORDER

Learned Additional Public Prosecutor submits that, pursuant to the order dated 20.07.2026, the Sub-Inspector of Police, Madnoor Police Station, Kamareddy District, informed respondent No.2 about the filing of the present criminal petition on 20.07.2026 and about listing of the matter and placed on record a copy of the said intimation.

Inspite of the said intimation, respondent No.2 has not chosen to enter appearance.

Issue notice before admission.

Learned Additional Public Prosecutor takes notice on behalf of respondent No.1.

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.

Learned counsel for the petitioner submits that the petitioner has not committed any offence and has been falsely implicated in the present crime. The petitioner never abused respondent No. 2 in the name of his caste. Hence, the ingredients of Sections 126(2), 115(2), 352, and 351(2) of the Bharatiya Nyaya Sanhita, 2023, and Sections



3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not attracted against the petitioner. Respondent No. 2, being the Reporter, lodged the present complaint by making omnibus allegations against the petitioner. Hence, the continuation of the proceedings against the petitioner is a clear abuse of the process of law. He further submits that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. He further submitted 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/-REKHA RANI BALAGANI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Bichkunda
2. The Station House Officer, Police Station Madnoor, Kamareddy District,
[by SPAD]

¹(2014) 8 SCC 273

3. Sarde Baswanth,, S/o Gangadhar, Occ. Reporter, Sulthanpet Village, Madnoor Mandal, Kamareddy District, Telangana[by SPAD-along with a copy of petition and memorandum of grounds]
 4. One CC to SRI M V V BASWA RAJ Advocate [OPUC]
 5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
 6. One spare copy
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HIGH COURT

JSR, J

DATED: 22-07-2026

Post after six weeks

NOTICE BEFORE ADMISSION

CRLP.No.10822 of 2026

DIRECTION

