

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

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

**:PRESENT:
THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

CRL. P. NO: 10881 OF 2026

Between

1. Vishwanathula Sashidhar, S/o. V.Balarathnam
2. Vishwanathula Rajyalaxmi, W/o. Vishwanathula Sashidhar

.....Petitioners/Accused No. 1 & 4

AND

1. The State of Telangana, through S.H.O., CCS DD P.S., Hyderabad, Rep. by its Public Prosecutor, High Court at Hyderabad, Hyderabad
2. Mr. Mohammed Ameer Hussain, S/o. Mohd. Abbas Hussain, Occ Business (Partner of Meridian Homes), R/o. Flat No.401, Moghul Magnus Apartments, Masab Tank, Hyderabad, T.G.

Respondent

Respondents/De-facto complainant

WHEREAS the petitioners above named through their Advocate Sri C. Hari Preeth, presented this petition under Section 528 of B.N.S.S., praying that in the circumstances stated in the petition, the High Court may be to quash the proceedings against the Petitioners/Accused No. 1 and 4 in Crime No.148 of 2026, dt.02.07.2026 on the file of Central Crime Station, DD, Police Station, Hyderabad.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed therein, and upon hearing the arguments of Sri C.Hari Preeth, Advocate for the Petitioners, and Addl. 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:

Mr. Mohammed Ameer Hussain, S/o. Mohd. Abbas Hussain, Occ Business (Partner of Meridian Homes), R/o. Flat No.401, Moghul Magnus Apartments, Masab Tank, Hyderabad, T.G.

are directed to show cause on or before 16-07-2026 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 petition, the High Court may be to grant stay of all further proceedings including arrest of the Petitioners/Accused No.1 & 4 in Crime No.148 of 2026, dt.02.07.2026 on the file of Central Crime Station, DD, Police Station, Hyderabad, pending disposal of Crl.P. No. 10881 of 2026, on the file of the High Court.

The Court made the following:

ORDER:

Notice before admission.

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

Learned counsel for the petitioners 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. C. Hari Preeth, learned counsel for the petitioners, submits that the petitioners have not committed the alleged offences and have been falsely implicated in the present crime. Even according to the allegations made in the complaint, the ingredients of Sections 318(4) r/w. 61(2) of the Bharatiya Nyaya Sanhita, 2023, are not attracted against the petitioners. He further submits that respondent No.2, through his partner, M/s. Meridian Homes, filed complaints before the V Metropolitan Magistrate, Hyderabad, at Manoranjan Court Complex, in S.T.C. N.I. No.7089 of 2024, S.T.C. N.I. No.599 of 2025, S.T.C. N.I. No.601 of 2025, and S.T.C. N.I. No. 603 of 2025 against the petitioners and others for the offence under Section 138 of the N.I. Act. When the said proceedings are pending, respondent No.2 filed the present complaint in respect of the very same transactions for the offence under Section 318(4) r/w. 61(2) of the BNS, and the same is a clear abuse of the process of law. He further submits that accused No.2, in the very same proceedings, approached this Court by filing Crl.P.No.10686 of 2026, and this Court, while ordering notice before admission, directed the Investigating Officer not to take any coercive steps against him. The petitioners are also entitled to the very same protection.

***Per contra*, the learned Additional Public Prosecutor submits that the offences levelled against the petitioners are punishable with imprisonment for less than seven years. The Investigating Officer has already issued notice under Section 35(3) of the BNSS to the petitioners, and the petitioners are entitled to put forth their grievance pursuant to the said notice.**

By way of reply, the learned counsel for the petitioners submits that the petitioners have not received the notice under Section 35(3) of the BNSS.

Taking into consideration the above submissions made by the respective parties and upon perusal of the material available on record, it reveals that the offences alleged against the petitioners are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer has already issued notice under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS to the petitioners. However, the learned counsel for the petitioners disputes the same. 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 Vs. State of Bihar*¹, insofar as petitioners/accused Nos.1 to 4 are concerned, if the notice has not already been served on the petitioners. If the notices have been served, the petitioners are entitled to put forth their grievance by raising all the pleas available to them before the Investigating Officer.

Post this matter along with Crl.P.No.10686 of 2026 on 16.07.2026.

//TRUE COPY//

Sd/- M.OSMAN ALI BAIG
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The XII Addl. Chief Judicial Magistrate, Nampally, Hyderabad.
2. The Station House Officer, Central Crime Station, DD Police Station, Hyderabad.
3. Mr. Mohammed Ameer Hussain, S/o. Mohd. Abbas Hussain, Occ Business (Partner of Meridian Homes), R/o. Flat No.401, Moghul Magnus Apartments, Masab Tank, Hyderabad, T.G. (BY SPAD along with a copy of petition and grounds)
4. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
5. One CC to Sri C.Hari Preeth, Advocate (OPUC)
6. One Spare Copy

HIGH COURT

JSR,J

DATE: 13-07-2026

NOTICE BEFORE ADMISSION

CRL.P. NO. 10881 OF 2026

DIRECTION

