

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

THURSDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRLP NO: 11098 OF 2026

Between

M.A Alam Khan, S/o Mahboob Alam Kahn

.....Petitioner/Accused No.1

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. N.Narsing Rao, S/o. M. Shanker , Occ. Manager, Age . Major R/o. Plot No. 137,NFC Nagar,Ghatkesat.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri N.M.ANAND MOHAN MURTHY 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 to quash FIR No.165 of 2026 on the file of Malakpet Police Station registered against the Petitioner/Accused No.1;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri N.M. ANAND MOHAN MURTHY, Advocate for the Petitioner 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:

N.Narsing Rao, S/o. M. Shanker , Occ. Manager, Age . Major R/o. Plot No. 137,NFC Nagar,Ghatkesat.

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 pursuant to FIR No.165 of 2026 on the file of Malakpet Police Station, pending disposal of CRLP No.11098 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 16.07.2026, the Investigating Officer had served notice to respondent No.2/de facto complainant/victim on 21.07.2026. In spite of service of notice, respondent No.2 has not chosen to enter appearance.

Mr. Shaik Hussain, learned counsel representing Mr. N.M.Anand Mohan Murthy, learned counsel for the petitioner, submits that the petitioner has not committed the alleged offences and has been falsely implicated in the present case by respondent No.2 by making omnibus allegations to dissolve the civil disputes in O.S.No.663 of 2016, pending before the Telangana State Waqf Tribunal, Hyderabad, which was filed by the father of the petitioner. He further submits that the father of the petitioner lodged a complaint against Goutham Chand Jain, Owner of Auto Fin and others on 17.04.2026. Basing on the said complaint, Crime No.143 of 2026 was registered on Malakpet Police Station, Hyderabad for the offences punishable offences under Sections 329(3), 324(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023. Respondent No.2 is an employee in Auto Fin Limited. At the instance of accused No.1 in crime No.143 of 2026, respondent No.2 filed the present complaint as a counter blast and the same 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 and 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 guidelines issued by the Hon'ble

¹(2014) 8 SCC 273

Supreme Court in the judgment of *Arnesh Kumar supra*, insofar as petitioner/accused No.1 is concerned. .

Notice before admission.

Learned Public Prosecutor takes notice on behalf of respondent No.1, 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 through speed post with acknowledgment due and file proof of service.

Post after six (06) weeks.

Sd/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VII Addl. Chief Judicial Magistrate, Hyderabad.
2. The Station House Officer, Police Station Malakpet, Hyderabad.
3. N.Narsing Rao, S/o. M. Shanker, R/o. Plot No.137,NFC Nagar,Ghatkesat.[by SPAD-along with a copy of petition and memorandum of grounds]
4. One CC to Sri N.M. ANAND MOHAN MURTHY, 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: 23-07-2026



POST AFTER SIX (06) WEEKS

NOTICE BEFORE ADMISSION

CRLP.No.11098 of 2026

DIRECTION