

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

MONDAY, THE TWENTIETH DAY OF JULY

TWO THOUSAND AND TWENTY SIX ✓

:PRESENT:

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRLP NO: 11162 OF 2026 ✓

Between

1. Sri Chekka Nageswara Rao S/o. Late Chakka Subbaiah

.....PETITIONER/Accused No.1

AND

1. The State of Telangana, rep. by the Station House Officer, Madhapur Police Station, Cyberabad Commissionerate, through the Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. Sri T. Siddartha Narasimha Reddy S/o. T. Naga Narasa Reddy, Occ. Business, R/o. Aparna Elixir Villa No. 2, Khajaguda, Near My Home Avatar, Chitrapuri Colony, Gandipet, Rangareddy District.

Respondents/Defacto Complainant

WHEREAS the Petitioner above named through his Advocate SRI BENDI SAI SANTOSH 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 call for the records relating to FIR No. 680 of 2026 dated 04/05/2026 on the file of the Madhapur Police Station, Cyberabad Commissionerate, and quash the same qua 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 BENDI SAI

SANTOSH 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. Sri T. Siddartha Narasimha Reddy, S/o. T. Naga Narasa Reddy, Occ.
Business, R/o. Aparna Elixir Villa No. 2, Khajaguda, Near My Home Avatar,
Chitrapuri Colony, Gandipet, Rangareddy 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 stay all further proceedings including arrest of the Petitioner in relation to FIR No. 680 of 2026 dated 04.05.2026 on the file of the Madhapur Police Station, Cyberabad Commissionerate, qua the Petitioner/Accused No.1, pending disposal of CRLP No 11162 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.

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 the alleged offences and has been falsely implicated in the

present crime. He further submits that the allegations levelled in the complaint are purely civil in nature, arising out of an Agreement of Sale dated 16.03.2026. Respondent No. 2 ought to have approached the competent Civil Court seeking enforcement of the Agreement of Sale or refund of the alleged amount paid by him; on the other hand, filed the present complaint by giving a criminal colour. He further submits that, even according to the allegations levelled in the complaint, respondent No.2 has not paid the total sale consideration pursuant to the Agreement of Sale dated 16.03.2026 and has paid only part of the sale consideration. Hence, the ingredients of Sections 316(2) and 318(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, (for short, "BNS") are not attracted against the petitioner. Therefore, continuation of the proceedings against the petitioner is a clear abuse of the process of law.

He further submitted that the offences under Sections 316(2) and 318(4) of the BNS cannot go together, 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 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*², 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.

¹ (2024) 10 SCC 690

²(2014) 8 SCC 273

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 No.1 is concerned.

Post after six weeks.

Sd/- A.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Junior Civil Judge cum X Additional Judicial First Class Magistrate, Ranga Reddy District at Kukatpally
2. The Station House Officer, Madhapur Police Station, Cyberabad Commissionerate, [by SPAD]
3. Sri T. Siddartha Narasimha Reddy S/o. T. Naga Narasa Reddy, Occ. Business, R/o. Aparna Elixir Villa No. 2, Khajaguda, Near My Home Avatar, Chitrapuri Colony, Gandipet, Rangareddy District.[by SPAD-along with a copy of petition and memorandum of grounds]
4. One CC to SRI BENDI SAI SANTOSH 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: 20-07-2026

Post after six weeks

NOTICE BEFORE ADMISSION

CRLP.No.11162 of 2026

DIRECTION

