

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 10722 OF 2025

Between:

1. Jabina Fathima, W/o Mohd Habeebuddin, Age: 51 years, Occ: Housewife,
2. Mohammad Tajuddin, S/o Mohd Habeebuddin, Age: 31 years, Occ: Pvt Employee,
Both are R/o.H.No.17-1-375/A/49, Hasnabad, Santoshnagar, Hyderabad.

...Petitioners/Accused No.1 & 2

AND

1. The State of Telangana, Rep by its Public Prosecutor High Court of Telangana at Hyderabad. **...Respondent**
2. Mohammed Ayub, S/o Late Gulam Mohammed Saklen, Age: 66 years, Occ: Pvt Employee, R/o.H.No.3-2-7/3, Veerannapeta, Mahaboobnagar
...Respondent/De-facto Complainant

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the FIR No.169/2025/2024 dated 01-07-2025 registered by the PS Mahabubnagar I -Town, Mahabubnagar District for the offences punishable U/s 318(4), 352, 351(2) BNS against the petitioners herein.

I.A. NO: 1 OF 2025

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings in FIR No.169/2025 /2024 dated 01-07-2025 registered by the PS Mahabubnagar I -Town, Mahabubnagar District for the offences punishable U/s 318(4), 352, 351(2) BNS, pending disposal of the criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. Praveen Kumar Challa, Advocate for the Petitioners and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No.2.

The Court made the following: ORDER

HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.10722 of 2025

ORDER:

This Criminal Petition is filed under Section 128 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings against them in Crime No.169 of 2025 on the file of Mahabubnagar I-Town Police Station, Mahabubnagar District, registered for the alleged offences punishable under Sections 318 (4), 352 and 351 (2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr.Praveen Kumar Challa, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1 State.

3. Though this petition is filed for quashing the proceedings in the crime, during the course of arguments, learned counsel for petitioners has sought for directions to the Police to proceed with investigation by issuing notice under Section 35(3) of BNSS (Previously Section 41-A of Cr.P.C.).

4. Learned Additional Public Prosecutor has not disputed the same.

5. Considering the submissions of both the counsel and on perusal of the material available on record, it is seen that the allegations are under Sections 318 (4), 352 and 351 (2) of BNS and the punishment prescribed for the said offences alleged against the petitioners is less than seven (07) years. Hence, without going into the merits of the case, this Court deems it appropriate to direct the petitioners to appear before the Investigating Officer on or before 06.09.2025 between 11:00 a.m. and 05:00 p.m. and in turn, the Investigating Officer is directed to follow the procedure laid down under Section 35 (3) of the BNSS (previously section 41-A of Criminal Procedure Code, 1973) and also the guidelines formulated by the Hon'ble Supreme Court of India in ***Arnesh Kumar v. State of Bihar***¹ scrupulously. However, the petitioners shall submit their defense and co-operate with the Investigating Officer as and when required by furnishing information and produce all relevant documents/material required for the purpose of the investigation

¹ (2014) 8 SCC 273

and the Investigating Officer shall consider the same and shall complete the investigation strictly in accordance with law.

6. With the above said observations, this Criminal Petition is disposed of.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

SD/- AHMED ABDULLA KHAN
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The First Class Magistrate of Judicial at Mahaboobnagar.
2. The Station House Officer, Mahabubnagar I-Town Police Station, Mahabubnagar District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Mr. Praveen Kumar Challa, Advocate [OPUC]
5. Two CD Copies

Kam/PSI.

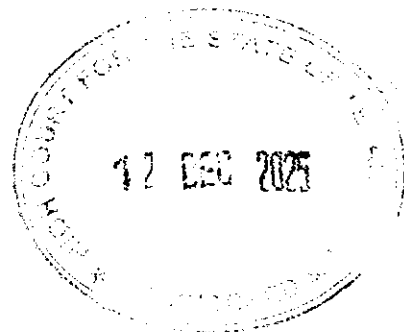
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HIGH COURT

DATED:22/08/2025

ORDER

CRLP.No.10722 of 2025



**DISPOSING OF THE
CRIMINAL PETITION**

(8)

PA
9/12/25