

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

[3444]

**THURSDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 10706 OF 2025

Between:

Lalit Suresh Sukhani, S/o Suresh R Sukhani Aged 51 Years, Occ. Business
Rio. 92/18 Sindsagar Opp ANDHRA SCHOOL Wadala Mumbai 400031

...PETITIONER/ACCUSED

AND

1. The State Of Telangana, Rep., by its Public Prosecutor, High Court of Telangana at Hyderabad.
2. Dhanikuna Mahendar, S/o Mallesh Age. 31 Years, Occ. Housewife R/o H. No. 12-85/1, Adarsh Nagar, IDPL Colony, Quthbullapur, Suraram, Medchal-Malkajiri, Telangana

...RESPONDENTS/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 Crime vide FIR No. 126 OF 2025 registered on the file of the SHO, P.S. Suraram, Cyberabad District dated 08.03.2025 in so far as the Petitioner is concerned.

I.A. NO: 2 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 direct the SHO, P.S. Suraram, Cyberabad District to comply with the guidelines as laid down by the Hon'ble Supreme Court under the Arnesh Kumar Judgement.

I.A. NO: 3 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 investigation and all proceedings including the arrest of the Petitioner in FIR No. 126 OF 2025 registered on the file of the SHO, P.S. Suraram, Cyberabad District dated 08.03.2025.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. RAMYA, Advocate for the Petitioner and SRI JITHENDER RAO VEERAMALLA, the Additional Public Prosecutor for 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.10706 of 2025

ORDER:

This Criminal Petition is filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/accused seeking to quash the proceedings against him in Crime No.126 of 2025 on the file of Suraram Police Station, Cyberabad District, registered for the alleged offences punishable under Sections 318 (4) and 316 (2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Ms.K.Ramya, learned counsel for the petitioner 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 petitioner has sought for directions to the Police to proceed with investigation by issuing notice under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita (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) and 316 (2) of BNS and the punishment prescribed for the said offences alleged against the petitioner is less than seven (07) years. Hence, without going into the merits of the case, this Court deems it appropriate to direct the petitioner to appear before the Investigating Officer on or before 04.09.2025 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 petitioner shall submit his 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 and the Investigating Officer shall consider the

¹ (2014) 8 SCC 273

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/- SRI MOHD ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VIII AMM Court at Athvelli, Cyberabad.
2. The Station House Officer, Suraram Police Station, Cyberabad.
3. One CC to SRI K. RAMYA Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad. [OUT]
5. Two CD Copies

GR

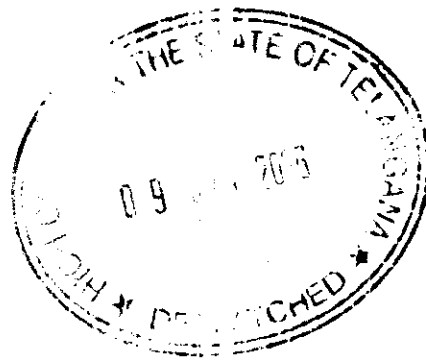


HIGH COURT

DATED:21/08/2025

ORDER

CRLP.No.10706 of 2025



DISPOSING OF THE CRIMINAL PETITION

⑧ MT
6/12/25