



[3444] 2025:TSHC:40993

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

**FRIDAY THE TWENTY FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 13009 OF 2025

Between:

Sai Kumar Goud Palamalkula @ P. Sai Kumar Goud, S/ o. Saya Goud, Age. 32
Years, Occ. Business, R/ o. H. No. 3-123, Kachapur Village, Bhiknoor Mandal,
Kamareddy District.

...PETITIONER/ACCUSED NO.4

AND

1. The State of Telangana, through S.H.O., P.S. Gajwel, Siddipet District,
represented by Public Prosecutor, High Court at Hyderabad
2. Sri. Sriram Premdeep, Sub-Inspector of Police,, P.S. Gajwel, Siddipet District.

...RESPONDENT/DEFACTO-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 F.I.R. No. 395 of 2025, of P.S. Gajwel, Siddipet District,
as against the petitioner/Accused No. 4,

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 stay of all further proceedings including arrest of the
petitioner/Accused No. 4 in F.I.R. No. 395 of 2025, of P.S. Gajwel, Siddipet
District,

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri K
VENUMADHAV ,Advocate for the Petitioner and Mr V.Jithender Rao Additional
Public Prosecutor on behalf of the Respondent No1. and none appeared for the
Respondent No2.

The Court made the following: ORDER



2025:TSHC:40993

THE HONOURABLE SMT.JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.13009 of 2025

ORDER:

This Criminal Petition is filed by the petitioner-accused No.4 seeking to quash the proceedings in Crime No.395 of 2025 on the file of Gajwel Police Station, Siddipet District, for the offences under Sections 8 (c), 29 read with 22(c) of the Narcotic Drugs and Psychotropic Drugs Act (for short NDPS Act).

2. Heard Sri K. Venumadhav, learned counsel for the petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor for the respondent No.1-State.

3. Learned counsel for the petitioner has submitted that the petitioner is accused No.4 in the case and that police have seized Alprazolem from accused No.1, but not from the petitioner and that a false case was foisted against the petitioner. He relied upon the orders passed by a coordinate Bench of this Court in CrI.P. No.14284 of 2024, wherein the proceedings were quashed against the petitioners therein and hence, prayed to quash the proceedings against the petitioner herein by applying the same analogy.

4. Learned Additional Public Prosecutor has opposed the petition by submitting that in the case relied on by the learned



counsel for the petitioner, the investigation was completed and the case was pending before the trial court, but in the present case, investigation is not yet completed and hence, proceedings cannot be quashed.

5. Perused the record.

6. The petitioner herein is alleged to have purchased alprazolem in lumpsum and used to sell it for higher price. The record further discloses that in addition to seizure of alprozolem, black jiggery and Alum were also seized during the course of investigation. Though the learned counsel for the petitioner relied upon the decision in Crl.P. No.14284 of 2024, it differs from the case on hand in two ways. Firstly, in the said case, investigation was completed and the CC is pending for trial. But in the present case, the investigation is still in progress and the truth is yet to be unraveled. Further in the cited decision, the offences were under Sections 188 IPC, 8(c), 20(b)(ii)(A), 25, 27 and 29 of NDPS Act, 21/76 of City Police Act and Section 34(a) of T.S. Excise Act. In the said case, two observations were made one is by following the principle in **Toofan Singh v. State of Tamil Nadu [(2021) 4 SCC 1]** wherein it was held that the confessional statement recorded under Section 67 of the NDPS Act remains inadmissible; and the second



reason is that to take cognizance of the offence under Section 188 IPC, unless it is filed by a public servant concerned, no court can take cognizance of the case under Section 195(1)(a) of Cr.P.C. In the present case, the offences alleged are only under the provisions of NDPS Act and Section 34 of T.S. Excise Act and 188 IPC are not invoked. Therefore, the cited decision cannot be applied in the present case. In the decision relied on by the learned counsel for the petitioner, it was only based on the confession of the co-accused that the petitioner was implicated. But, in the present case, the fact finding process is still in progress as the investigation is yet to be completed. Therefore, the said decision is not applicable to the present case. Hence, it is not a fit case to quash the proceedings at this stage. There are no merits in the petition and therefore, the same is liable to be dismissed.

7. In the result, the Criminal Petition is dismissed.

Miscellaneous Petitions, if any pending, shall stand closed.

SD/- U. SUDHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Gajwel
2. The Station House Officer, Police Station Gajwel, Siddipet District
3. One CC to SRI. K VENUMADHAV Advocate [OPUC]
4. Two CC to SRI. PUBLIC PROSECUTOR High court for the state of Telangana at Hyderabad [OUT]
5. Two CD Copies

AG/SA



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HIGH COURT

DATED:24/10/2025

ORDER

CRLP.No.13009 of 2025



CRLP IS DISMISSED

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kpr
13/11/25