

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

THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 13637 OF 2025

Between:

Garthe Swayam @ Swayam, S/o. Garthe Narendra,
Age 21 years, (15.06.2003), Caste:Hindu, Occ:Student,
R/o. Flat No.305, Vinayaka Residency, Harithavannam Colony,
Bachupally, Hyderabad, N/o. Ghatmandur,
Beed Dist, Maharashtra. Ph.No.9347329523

...PETITIONER/ACCUSED NO.4

AND

1. The State of Telangana, Rep. by its Public Prosecutor through Film Nagar,
Police Station, Hyderabad Commissionerate, AT- Hyderabad District.

...RESPONDENT/COMPLAINANT

2. Sri. G Vinod Kumar, Sub-Inspector of Police, PS, Film Nagar,
Hyderabad-Commissionerate, Hyderabad.

...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 F.I.R. No. 339 of 2025 dated 21/05/2025 registered by P.S. Film Nagar on the file of Honorable Court of Metropolitan Sessions Judge, Nampally at Hyderabad 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 in connection with the F.I.R. No. 339 of 2025 dated 21.05.2025 registered by P.S. FILM NAGAR on the file of Hon'ble Court of XVII Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad against the Petitioner/Accused No.4 pending finalization 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 Sri TANAJI PRADEEP KUMAR, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.13637 of 2025

ORDER:

1. This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNS') seeking the Court to quash the proceedings against the petitioner/accused No.4 in Crime No.339 of 2025, on the file of Filmnagar Police Station, Hyderabad, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) and 27 of NDPS, Act, 1985.

2. Heard Sri T.Pradeep Kumar, learned counsel for the petitioner/accused No.4 as well as Sri Jitender Rao Veeramalla, the learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. Learned petitioner's counsel has submitted that the petitioner herein is accused No.4 and that he is alleged to be a consumer. He further submitted that the petitioner is a student and continuation of proceedings would result in loss of career of the petitioner. He has also submitted that he is arrayed as accused based on the confession of the co-accused which is not tenable in the eye of law. He therefore prayed to quash the proceedings against the petitioner.

4. Learned Additional Public Prosecutor has submitted that notice under Section 35(3) of BNSS, 2023 is already served on the petitioner herein and he has also submitted his explanation.

5. Considering the submissions of both the counsel and since notice under Section 35(3) of BNSS, 2023 is already served on the petitioner and that he has also submitted his explanation, the Police are directed to consider the explanation furnished by the petitioner herein and complete the investigation strictly in accordance with law by following the guidelines formulated by the Hon'ble Supreme Court of India in *Arnesh Kumar v. State of Bihar*¹.

6. Accordingly the Criminal Petition is disposed of.

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

¹(2014) 8 SCC 273

//TRUE COPY//

SD/- A. JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The XVII Additional Chief Judicial Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Film Nagar Police Station, Hyderabad District.
3. One CC to SRI TANAJI PRADEEP KUMAR, Advocate [OPUC]
4. Two CCs to SRI PUBLIC PROSECUTOR, High Court for the State of Telangana, High Court Buidlings, Hyderabad.[OUT]
5. Two CD Copies

Jps

HIGH COURT

DATED:23/10/2025

ORDER

CRLP.No.13637 of 2025



CRIMINAL PETITION IS DISPOSED OF.

⑧

hpr
18/11/25