

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

**SATURDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION NO: 13785 OF 2025

Between:

Azam Ali Khan, S/o Mahboob Khan Aged about 34 years, Occ Business, R/o.
H.No. 17-8-246/17/A, Bagh E- Jahara, Yakutpura, Hyderabad

...PETITIONER/ACCUSED No.2

AND

1. THE STATE OF TELANGANA, Rep. by SHO, PS Shalibanda, Through its
Public Prosecutor, High Court at Hyderabad
2. Arbaaz Sufiyan, S/o Mohammed Aijaz Jaleel, Aged 22 years, Occ Business,
H.No 19-2-362, Palam Road, Hyderabad.

...RESPONDENT/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 proceedings against the Petitioners/Accused No.2 in Cr No. 174 of 2025 pending on the file of XVI Chief Judicial Magistrate, Hyderabad in the interest of justice.

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 all further proceedings including arrest of the petitioner in connection with compliant, enquiry and investigation in FIR No 174 of 2025, dated 06/10/2025 of the 1st respondent Police Shalibanda, Hyderabad against the Petitioner/Accused No.2 in Cr No.174 of 2025 pending on the file of XVI Chief Judicial Magistrate, Hyderabad, in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Ibad Ur Rehman Khan, Advocate for the Petitioner and Smt. S Machavi, Assistant Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.13785 of 2025

ORDER:

This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking to quash the proceedings against the petitioner-accused No.2 in crime No.174 of 2025 of Shalibanda Police Station registered for the offences under Sections 318(4), 336(3), 340(2) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Mr.Ibad Ur Rehman Khan, learned counsel for the petitioner and Smt. S.Madhavi, learned Assistant Public Prosecutor appearing for respondent-State and perused the record.

3. Though this petition is filed for quashing the proceedings in the crime, during the course of arguments, learned counsel for the 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.) to the petitioner.

4. In view of the above, without going into merits of the matter, this Criminal Petition is disposed of directing the petitioner-accused No.2 to appear before the Investigating Officer on or before

10.11.2025 between 11:00 a.m. and 05:00 p.m. and in turn, the Investigating Officer shall issue notice under Section 35(3) of BNSS (Previously Section 41-A of Cr.P.C.) to the petitioner-accused No.2 and proceed with the investigation by following the guidelines of the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar and another¹**. 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 same before filing appropriate report before the learned Magistrate concerned.

Pending miscellaneous applications, if any, shall stand closed.

SD/- N CHANDRA SEKHAR RAO,
DEPUTY REGISTRAR.

//TRUE COPY//

SECTION OFFICER

To,

1. The XVI Additional Chief Judicial Magistrate, Nampally, Hyderabad
2. The station House Officer, Shalibanda Police Station, Hyderabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI IBAD UR REHMAN KHAN, Advocate [OPUC]
5. Two CD Copies

ADK

¹ (2014) 8 SCC 273

HIGH COURT

DATED:25/10/2025

ORDER

CRLP.No.13785 of 2025



DISPOSING OF THE CRLP

SMT
25/10/25