IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 17610 OF 2025

Between:

1. Deepak Kumar, S/o.Pratap Reddy Aged 41 years, Occ: Sales and Department Manager M/s Ratnadeep Retail Pvt Ltd, R/o D-18, Wellington Road, Vikrampuri, Karkhana, Secunderabad - 500009 Telangana
2. RamaKrishna, S/o Haribabu Aged 40 years, Occ: Senior manager at M/s Ratnadeep Retail Pvt Ltd R/o D-18, Wellington Road, Vikrampuri, Karkhana, Secunderabad - 500009

...Petitioners/Accused No.3 & 4

AND

1. The State of Telangana, Rep.by Public Prosecutor Hyderabad District, (Through Station House Officer, Karkhana Police Station) High Court, Hyderabad.
2. Bonthu Pradeep Kumar, S/o not known, Aged: 32yrs R/o H.No. 12-1-508/82, 3rd floor Laxmi Nagar, Lalapet, Secunderabad, Hyderabad, Telangana-500017.
3. R. Rahul C/o Late M.Raj Kumar, Aged about 30 yrs, R/o 3-16-706, Behind Syndicate Bank, SP Colony, Trimulgherry, Secunderabad- 500015
4. Kurakula Srikanth C/o Kurakula Pochaiah, Aged about 32 yrs, R/o 5-103, Ghanpur, Medchal, Telangana.

   (RR-3 & 4 impleaded as per Court Order dt.31/12/2025, vide I.A.No.3/2025, in Crl.P No.17610/2025.)

...Proposed Respondents No.3,4

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 call for the records in FIR No. 211/2025 on the file of the Station House Officer, Karkhana Police Station, Hyderabad and Quash the same insofar as the Petitioners (Accused Nos. 3 and 4) are concerned, as the same is illegal and an abuse of process of law.

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 grant stay of all further proceedings including arrest of the petitioners/A3-A4 in FIR No.211/2025 on the file of the Station House Officer, Karkhana Police Station, Hyderabad District, Telangana, pending disposal of the above Crl.P.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G Sindhu, 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

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.17610 of 2025

Date: 31.12.2025

Between:

Deepak Kumar and another

...Petitioners/accused Nos.3 and 4

AND

The State of Telangana, Represented by Public Prosecutor, Hyderabad District, (Through Station House Officer, Karkhana Police Station), High Court, Hyderabad, and two others

...Respondents

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 petitioners/accused Nos.3 and 4 in FIR.No.211 of 2025, on the file of the Station House Officer, Karkhana Police Station, Hyderabad registered for the offence punishable under Sections 420, 406 r/w. 34 of The Indian Penal Code, 1860 (for short 'IPC').

2. Heard Ms. G. Sindhu, learned counsel for the petitioners/accused Nos.3 and 4 as well as Sri Jithender Rao

Veeramalla, the learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. Learned counsel for the petitioners have restricted his submission stating that a direction be issued to the Police to follow the procedure prescribed under Section 35 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

4. On the other hand, the learned Additional Public Prosecutor submitted that the punishment prescribed for the offences alleged against the petitioners is less than seven (07) years and has sought for directions to the Police to proceed with investigation by issuing notice under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

5. Perused the record. The allegations leveled against the petitioners pertain to the offence under Sections 420, 406 r/w. 34 of IPC, which attracts punishment of less than seven years. Hence, without going into the merits of the case, this Court deems it appropriate to direct the petitioners/accused Nos.3 and 4 to appear before the Investigating Officer on or before 28.01.2026 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/accused Nos.3 and 4 shall submit their defense and co-operate with the Investigating Officer as and when required by furnishing information and producing all relevant documents/material required for the purpose of investigation and the Investigating Officer shall consider the same and complete the investigation strictly in accordance with law. In case, the petitioners fail to appear before the Investigating Officer within the stipulated time, the Investigating Officer is at liberty to take necessary steps in accordance with law.

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

SD/- C. DEEPIKA
ASSISTANT REGISTRAR

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SECTION OFFICER

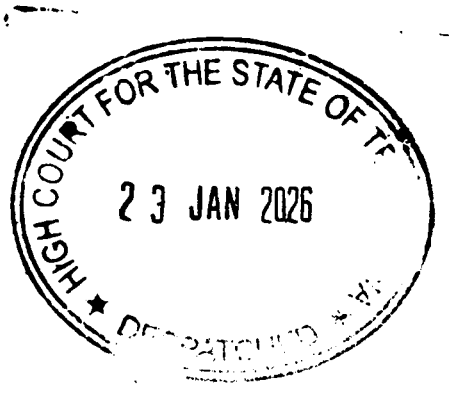
To,

1. The XI Additional Chief Metropolitan Magistrate at Secunderabad
2. The Station House Officer, Karkhana Police Station, Hyderabad
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri G Sindhu, Advocate [OPUC]
5. Two CD Copies

ABK /PSL

HIGH COURT

DATED: 31/12/2025



ORDER

CRLP.No.17610 of 2025

DISPOSING OF THE CRIMINAL PETITION

23/1/26