IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE THIRTEENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16049 OF 2026

Between:

1. Mynam Nanda Kishore, S/o.Late.M.Adhiseshaiah Aged. 51 Years years, Occ: Business H.No.8-3-229/W/8, Road No.11 Jubilee Hills, Hyderabad - 500 033.
2. Smt. Mynam Haritha, W/o.M.Nanda Kishore Aged. 39 years, Occ: Business H.No.8-3-229/W/8, Road No.11 Jubilee Hills, Hyderabad - 500 033.

...PETITIONER/A5 & A6

AND

1. The State of Telangana, Rep. by its Public Prosecutor High Court of Telangana, Hyderabad.
2. Araja Bose Babu, S/o.Narayana Rao, Aged 50 years, Occ: Business Flat No.302, Challas TSR Towers Eenadu Colony, Kukatpally, Hyderabad.

...RESPONDENTS

Petition under Section 482 of Cr.P.C 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 pass an order or orders to quash the proceedings against the petitioners in FIR No.103/2026 of PS EOW, Cyberabad for the offence under Sec. 316 (2), 318 (4) r/w 3 (5) BNS.

I.A. NO: 2 OF 2026

Petition under Section 528 of BNSS under 482 of Cr.P.C 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 petitioners in connection with in FIR No.103/2026 of PS EOW, Cyberabad for the offence under Sec. 316 (2), 318 (4) r/w 3 (5) BNS and pass

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K B Ramanna Dora, Advocate for the Petitioner and of Sri. Jithender Rao Veeramalla, the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No. and of Sri Mahmood Khan, Advocate for the Respondent No.2.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.16049 of 2026
(CNR No. HBHC010675382026)

Date: 13.10.2026

Between:
Mynam Nanda Kishore and another.

...Petitioners/Accused Nos.5 and 6

AND

The State of Telangana and another

...Respondents

ORDER:

This Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS') by the petitioners/accused Nos.5 and 6 seeking to quash the proceedings in F.I.R. No.103 of 2026 of Economic Offences Wing Police Station, Cyberabad, registered for the offences punishable under Sections 318(4) and 316(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

2. Heard Mr.K.B.Ramanna Dora, learned counsel for the petitioners, Mr.Mahmood Khan, learned counsel for respondent No.2, through video conference, and Mr.Jithendar Rao Veeramalla, learned Additional Public

Prosecutor for respondent No.1. With their consent, this criminal petition is disposed of at the stage of admission.

3.1 Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they have been falsely implicated in the present crime on the ground that they entered into an agreement of sale with accused No.1 in respect of the plot bearing Nos. 40 and 41 in Sy.No.11/31 part at Khanamet, Serilingampally Mandal and paid substantial amount. The entire allegations levelled in the complaint are against accused No.1 only. However, the petitioners have been implicated as accused Nos.5 and 6 only on the ground that they assured the owners of the subject property that they have given the subject property for development and there is no conspiracy with accused No.1 and there is no dishonest intention or inducement on the part of the petitioners, especially the petitioners were also suffered in the hands of accused No.1.

3.2. He further submitted that petitioner No.2 lodged a complaint against accused No.1 and respondent No.2 and others. Based upon the said complaint, Crime No.2186 of 2025 was registered by the S.H.O., Madhapur Police Station on 11.11.2025. When the said crime is under investigation, respondent No.2 lodged the present complaint on

18.09.2026 by making omnibus allegations as a counter blast to the said case. Hence, continuation of the proceedings against the petitioners is a clear abuse of the process law.

3.3. He further submitted that the offences levelled against the petitioners are punishable with imprisonment of less than seven years and the Investigating Officer without following the mandatory procedure as prescribed under Section 35(3) of the BNSS and the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**[1], is proceeding with the investigation and the same is contrary to law.

4. Learned counsel for respondent No.2 submitted that there are specific allegations levelled in the complaint that the petitioners and other accused persons with a dishonest intention from the date of inception received huge amounts from respondent No.2. The allegations levelled in the complaint attracts the ingredients of the offences under Sections 318(4) and 316(2) r/w 3(5) of the BNS and the petitioners are not entitled to seek quashing of the proceedings at the threshold, especially the investigation is under progress.

5. Learned Additional Public Prosecutor reiterated the submissions made by the learned counsel for respondent No.2. However, the offences

[1](2014) 8 SCC 273

levelled against the petitioners are punishable with imprisonment of less than seven years and the Investigating Officer will follow the due procedure as contemplated under the provisions of Section 35(3) of the BNSS and the petitioners shall cooperate with the investigation.

6. The learned counsel for the petitioners by way of reply submitted that the petitioners will cooperate with the investigation.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that there are specific allegations levelled in the complaint that the petitioners along with other accused received the amounts from respondent No.2. Whether the allegations levelled against the petitioners in the complaint are true or not, the same will be revealed during the course of investigation. Even according to the learned Additional Public Prosecutor, the investigation is under progress. The offences levelled against the petitioners are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer wants to follow the due procedure as contemplated under Section 35(3) of the BNSS.

8. Taking into consideration the peculiar facts and circumstances of the case and in view of the submissions made by the learned Additional Public Prosecutor, the petitioners/accused Nos.5 and 6 are directed to appear before the Investigating Officer on or before 27.10.2026 and on such appearance, the Investigating Officer is directed to scrupulously follow the due procedure as contemplated under the provisions of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** (supra). The petitioners shall cooperate with the investigation. It is needless to mention that the petitioners are entitled to put forth their grievance before the Investigating Officer by raising all the pleas which are available to them and they are also entitled to submit the documents, which are in their possession.

9. With the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- MOHD. OSMAN ALI BAIG,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Junior Civil Judge cum Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar.
2. The Station House Officer, EOW Cyb (Cyberabad), Cyberabad District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri. K B Ramanna Dora, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED: 13/10/2026

ORDER

CRLP.No.16049 of 2026



DISPOSING OF THE CRIMINAL PETITION

