IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FIFTEENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17267 OF 2026

Between:

BHASHETTI NAGA RAJU, S/o. Bhashetti Pandu, Aged about 39 Yrs, Occ. Business, R/o. H.No. 8-43/36/V/5, Raghavendra Colony, Boduppal, Medchal Malkajgiri District.

...Petitioner/Accused No. 1

AND

1. The State of Telangana, Rep by its Public Prosecutor, Hon'ble High Court of Telangana,Hyderabad. **...Respondent**
2. Smt. Bhukya Saritha,, W/o. Santosh Kumar, Aged about 40 Yrs, Occ. House Hold, R/o. H.No. 1, Vinayaka Nagar, Kamareddy Town 85 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 proceeding against the Petitioner/Accused No.1 in FIR No. 732 of 2026 on the file of P.S. Kamareddy Town.

I.A. NO: 2 OF 2026

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 Petitioner/Accused No.1 in FIR No. 732 of 2026 on the file of P.S. Kamareddy Town pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Gafar Mahammad, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and of None appeared 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.17267 of 2026

CNR.No. HBHC010719122026

Date : 15.10.2026

Between:

Bhashetti Naga Raju

...Petitioner/accused No.1

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in Crime No.732 of 2026 of Kamareddy Twon Police Station, Kamareddy District, wherein the petitioner was arrayed as accused No.1, registered for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr. Gafar Mahammad, learned counsel for the petitioner and Mr. Jithender Rao Veeramalla, and learned Additional Public Prosecutor for respondent No.1. With their consent, this criminal petition is disposed of at the stage of admission.

3. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offences and has been

falsely implicated in the present crime. The allegations levelled in the complaint are purely civil in nature, in respect of monetary transaction. Respondent No.2 ought to have approached a competent civil Court, on the other hand, lodged the present complaint, by giving it a criminal colour. Hence, continuation of the proceedings against the petitioner is a clear abuse of the process of law. He further submitted that the offences alleged against the petitioner are punishable with imprisonment of less than seven years. The Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS') and without following the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh Kumar Vs. State of Bihar***[1], is proceeding further in the matter and the same is contrary to law.

4. *Per contra*, learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioner in the complaint that the petitioner received huge amount from respondent No.2 with a dishonest intention and the said allegation *prima facie* attracts cognizable offence. Whether the allegations made against the petitioner are true or not, the same has to be revealed during the course of investigation, especially the investigation is under progress.

[1](2014) 8 SCC 273

Hence, the petitioner is not entitled to seek quashment of the proceedings against him at threshold. Since the offences levelled against the petitioner are punishable with imprisonment of less than seven years, when the Investigating Officer is trying to follow the due procedure as contemplated under the provisions of Section 35(3) of the BNSS, the petitioner is evading the receipt of notice and not cooperating with the investigation from the date of registration of crime.

5. Learned counsel for the petitioner by way of reply submitted that the petitioner will cooperate with the investigation.

6. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the allegations levelled in the complaint about the dishonest intention on the part of the petitioner. Whether the said allegations are true or not, the same will be revealed during the course of investigation. The offences levelled against the petitioner 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 the provisions of Section 35(3) of the BNSS.

7. In view of the same, the petitioner is directed to appear before the Investigating Officer on or before 30.10.2026 and on such appearance, the Investigating Officer is directed to follow the procedure contemplated under the provisions of the BNSS, and also the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra) and the petitioner shall cooperate with the investigation. It is needless to mention that the petitioner is entitled to submit reply to the notice under Section 35(3) of the BNSS by raising all the pleas which are available to him and he is also entitled to submit the documents, if any, which are in his custody, to the Investigating Officer.

8. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

Sd/- B. PRIYADARSHINI JAISWAL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Kamareddy.
2. The Station House Officer, Kamareddy Town Police Station, Kamareddy District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri Gafar Mahammad, Advocate [OPUC]
5. Two CD Copies

DL/ABK

R.R

HIGH COURT

DATED: 15/10/2026

ORDER

CRLP.No.17267 of 2026



DISPOSING OF THE CRIMINAL PETITION

8 copies
17/10/26
R.R