

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

**MONDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 9593 OF 2026

Between:

Gondi Balreddy, S/o.Gondi Ram Reddy, Aged 46 years, Occ. Business,
R/o.H.No.23-184/9, Shama Enclave, Opp. Brook Filed, near International
School, Madhapur, Shamshabad - 5-1 218.

...Petitioner/Accused

AND

1. The State of Telangana, Through SHO, P.S.Madhapur, Rep. by Public
Prosecutor, High Court of Telangana, High Court Buildings, Hyderabad.

...1st Respondent/Complainant

2. Madagoni Janiaiah @ Janaiah, S/o.Ramulu, Age 32 years, Occ. Business,
R/o. Vallala Village, Shaligouraram Mandal, Nallagonda District- 508210.

...2nd 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 proceedings against the Petitioner/Accused in Crime No.130 of 2026 of P.S. Madhapur, Cyberabad dated 24.01.2026 on the file of the II Additional Junior Civil Judge-cum-X Additional Judicial First Class Magistrate Ranga Reddy District at Kukatpally, Cyberabad.

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 for all further proceedings including the appearance of the Petitioner/Accused in Crime No.130 of 2026 of P.S. Madhapur, Cyberabad dated 24.01.2026 on the file of the II Additional Junior Civil Judge-cum-X Additional Judicial First Class Magistrate Ranga Reddy District at Kukatpally, Cyberabad, pending disposal of the same.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Khaja Arajuddin, 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.9593 of 2026

Date: 29.06.2026

Between:

Gondi Balreddy

...Petitioner

AND

The State of Telangana, and another.

...Respondents

Order

This Criminal Petition is filed seeking to quash the proceedings in FIR No.130 of 2026, of Madhapur Police Station, Cyberabad, wherein the petitioner was arrayed as accused, for the offences punishable under Sections 316(2) and 318(4) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023.

2. Heard Mr.Khaja Arajuddin, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1-State.

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

implicated in the present crime. He further submits that, even according to the allegations made in the complaint, the dispute is purely civil in nature. The de facto complainant, without any legal basis and with an ulterior motive, has attempted to give a criminal colour to transactions that are essentially civil in nature by initiating the present criminal proceedings against the petitioner. She further submits that the offences alleged against the petitioner are punishable with imprisonment for a term of less than seven year. She further submits that the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short '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, he learned Additional Public Prosecutor submits that specific allegations have been levelled against the petitioner in the complaint and that the petitioner, with a dishonest intention, collected huge amount of Rs.45 lakhs from respondent No.2 and issued post-dated cheques towards repayment. However, when

¹ (2014) 8 SCC 273

respondent No.2 demanded repayment of the said amount, the petitioner failed to respond. The said allegations require thorough investigation, and the investigation is in progress. He further submits that the offences alleged against the petitioner are punishable with imprisonment of less than seven years. The Investigating Officer has already issued a notice under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS to accused No.2 on 04.03.2026 and intends to follow the very same procedure in respect of petitioner/accused No.1. However, the petitioner has been avoiding service of notice and is not cooperating with the investigation.

5. By way of reply, learned counsel for the petitioner submits that the petitioner will cooperate with the investigation.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the Investigating Officer had already served the notice under Section 35(3) of the BNSS to accused No.2 on 04.03.2026 and the Investigating Officer wants to follow the very same procedure in respect of the petitioner. In view of the same, the petitioner/accused No.1 is directed to appear before the Investigating Officer, on or

before 10.07.2026, and on such appearance, the Investigating Officer is directed to follow the due procedure as contemplated under the provisions of the BNSS and the guidelines issued by the Apex Court in **Arnesh Kumar** (supra). It is needless to mention that the petitioner shall cooperate with the investigation.

7. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

**SD/- C.DEEPIKA
ASSISTANT REGISTRAR**

//TRUE COPY//



SECTION OFFICER

To,

1. The II Additional Junior Civil Judge-Cum-X Additional Judicial First-Class Magistrate Ranga Reddy District at Kukatpally, Cyberabad.
2. The Station House Officer, Madhapur Police Station, Cyberabad District.
3. Two CCs to Public Prosecutor High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Khaja Arajuddin, Advocate [OPUC]
5. Two CD Copies

DL/KAT

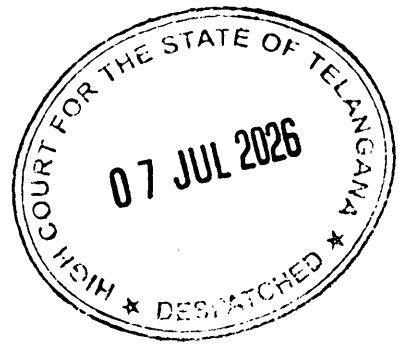


HIGH COURT

DATED: 29/06/2026

ORDER

CRLP.No.9593 of 2026



CRIMINAL PETITION IS DISPOSED OF

⑧
07/07/26
K.B