IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT
THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION NO: 2231 OF 2025

Between:

1. Mohammed Arshad Ayyub S/o Mohammed Yousuf
2. Farana Begum W/o Mohammed Yousuf
3. Mohammed Yousuf @ Ahmed S/o Late Mohammed

...Petitioners/Accused-1,2 & 3

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad
2. Smt Qamar Unnisa W/o Mohd. Arshad Ayyub Occ: Junior Assistant of TGMREIS, R/o H.No.5-14-109-F2, Indranagar Colony, Moula Ali, Malkajgiri, Ranga Reddy District TS. **...2nd Respondents/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 Cr. No.6 of 2025 on the file of the VI Additional Metropolitan Magistrate at Medchal, Malkajgiri District Uppal at L.B.Nagar.

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 in Cr.No.06 of 2025 on the file of the VI Additional Metropolitan Magistrate, at Medchal, Malkajgiri District Uppal at L.B.Nagar including dispensing the personal attendance of the petitioners till the disposal of the Criminal Petition in the interest of the justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Syed Ali Murtuza, Advocate for the Petitioners and the Additional Public Prosecutor (TG) on behalf of the Respondent No. 1 and None appeared for the Respondent No. 2.

The Court made the following: ORDER

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.2231 of 2025

ORDER:

Petitioners, who are accused Nos.1 to 3 in Crime No.06 of 2025, on the file of VI Additional Metropolitan Magistrate at Medchal, Malkajgiri District Uppal at L.B.Nagar registered for the offences under Sections 85, 351(2) of BNS and Sections 3 and 4 of Dowry Prohibition Act, is seeking to quash the proceedings against them.

2. Heard Mr. Syed Ali Murtuza, learned counsel for the petitioners and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the 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 petitioners 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.).

4. In view of the above, without going into merits of the matter, this criminal petition is disposed of directing the Police concerned to proceed with the investigation in the above crime after issuing notice under Section 35(3) of BNSS (Previously Section 41-A of Cr.P.C.) to the petitioners/accused Nos.1 to 3, and he shall also follow the guidelines of Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar and**

another[1]. The petitioners shall co-operate with the investigating officer in concluding the investigation.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, if any pending, shall also stand closed.

Sd/- K. AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VI Additional Metropolitan Magistrate, Medchal, Malkajgiri District
2. The Station House Officer, Women Police Station, Uppal Rachakonta, Rachakonda District
3. One CC to Sri Syed Ali Murtuza, Advocate [OPUC]
4. Two CCs to the Additional Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

[1] (2014) 8 SCC 273

HIGH COURT

DATED: 17/02/2025

ORDER

CRLP.No.2231 of 2025



DISPOSING THE CRIMINAL PETITION

15/4/2025