

[3217]

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

WEDNESDAY, THE TWELFTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 3463 OF 2025

Between:

M/s. Ani Enterprise, Rep. by its proprietor Kunchala Anil Kumar, S/o. Kunchala Subba Rao, Aged About 31 years, Occ. Business, R/o. H.No. 2-36/1/2/B, Kailash Nagar, St Arnold School, Chandra Nagar, Tirumalagiri, Hyderabad, Telangana - 500050.

...PETITIONER/ACCUSED No.1

AND

1. The State of Telangana, rep. by the Public Prosecutor, High Court of Telangana, At Hyderabad.
2. Panti Pavan Kumar, S/o. Panthi Radha Krishna Reddy, Aged about 34 years, Occ. Business, R/o. H.No. Plot No.270 E/A, Road No.10, Khairatabad, Hyderabad, Telangana.-500004.

...RESPONDENTS/COMPLAINANTS

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 in F.I.R. No.125 of 2025 on the file of the Jubilee Hills Police Station.

I.A. NO: 2 OF 2025

Petition under Section 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 the appearance of the petitioner in connection with F.I.R. No.125 of 2025 on the file of the Jubilee Hills Police Station.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Anirudh Sadhu, Advocate for the Petitioner and of Sri Jithender Rao Veeramalla, learned Addl Public Prosecutor on behalf of the Respondent No.1 and None appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No. 3463 OF 2025

ORDER:

This criminal petition is filed seeking to quashment F.I.R.No.125 of 2025 on the file of Jubilee Hills Police Station.

2. The petitioner herein is arrayed as accused No.1 in the said crime for the offences punishable under Sections 316(2), 318(4) r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

3. Learned counsel for the petitioner submitted that the petitioner is ready for the legal process in trial, as no notice under Section 35 of Bharatiya Nagarik Suraksha Sanhitha (for short 'BNSS') was issued, though the alleged offences are punishable less than 7 years of imprisonment, the petitioner is apprehending coercive action from the police. Hence, prayed for issuance of necessary directions.

4. Learned Additional Public Prosecutor submitted that the police are ready to issue notice on the petitioner under Section 35 (3) of BNSS, however, the same could not be done as the petitioner is at large.

5. Having regard to the submissions and the fact that the alleged offences punishable against the petitioner are less than 7

years of imprisonment, the concerned investigating officer is directed to issue notice under Section 35 of BNSS and conduct proceedings as per the guidelines issued by the Hon'ble Supreme Court in *Arnesh Kumar v. State of Bihar*¹. In this course, the petitioner is directed to appear before the investigating officer on 20.03.2025 where after, the Investigating Officer shall issue notice under Section 35 (3) of BNSS and continue with the proceedings as per law.

6. With the above observations, this criminal petition is disposed of.

As a sequel, the miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed. No costs.

//TRUE COPY//

Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The XVII Addl. Chief Judicial Magistrate, at Nampally, Hyderabad
2. The Station House Officer, Jubilee Hills Police Station, Hyderabad District.
3. One CC to Sri Anirudh Sadhu, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD copies.

BJLB/PSL *Kx*

¹(2014) 8 SCC 273

HIGH COURT

DATED:12/03/2025

ORDER

CRLP.No.3463 of 2025

CRIMINAL PETITION IS DISPOSED OF



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