

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

**FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE
PRESENT**

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 3931 OF 2025

Between:

1. Vijaya Soni, W/o late Sri Ramesh Kumarji Soni, Aged about 65 yrs, Occ- Housewife, R/o Plot no. 23, Road no. 1, Jupiter colony, Sikh Road, Diamond Point, Secunderabad.
2. Krishna Soni, S/o late Sri Ramesh Kumarji Soni, Aged about 28 yrs, Occ- Pvt. Employee, R/o Plot no. 23, Road no. 1, Jupiter colony, Sikh Road, Diamond Point, Secunderabad.
3. Sailee Soni, W/o Krishna Soni, Aged about 28 yrs, Occ- Housewife. Rio Plot no. 23, Road no. 1, Jupiter colony, Sikh Road, Diamond Point, Secunderabad.

...Petitioners/A2 to A4

AND

1. The State of Telangana, Rep. by its Public Prosecutor, Having office at High Court, Hyderabad.
2. Smt. Komal Mundada, Ex- W/o Ayush Soni, Aged about 34 yrs, Occ- Housewife, R/o Plot no. 23, Road no. 1, Jupitei colony, Sikh Road, Diamond Point, Secunderabad.

...Respondents

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 call for the entire records relating to F.I.R. No. 14 of 2025, pending on the file of P.S. Kamatipura, Hyderabad and quash the same in the interest of justice.

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 stay all further proceedings IN F.I.R. No. 14 of 2025, of P.S. Kamatipura, Hyderabad, pending quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MOHAMMAD ADNAN, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent No. and None appeared for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.3931 of 2025

ORDER:

This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') seeking quashment of the proceedings in FIR No.14 of 2025 of PS Kamatipura, Hyderabad, against the petitioners/accused Nos.2 to 4.

2. Heard Ms.Niloufer, learned counsel representing Mr.Mohd.Adnan, learned counsel for petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. The petitioner is arrayed as accused in FIR No.14 of 2025 for the offences under Sections 74 and 79 r/w. 3 (5) of Bharatiya Nyaya Sanhita, 2023.

4. Learned counsel for the petitioners would submit that though the petitioners are determined to see the process through and the alleged offences are punishable with an imprisonment less than seven years, the Police concerned has not issued any notice under Section 35 (3) of BNSS, 2023, as such the petitioners are apprehending coercive measures against them. He further submits as the petitioners are ready to cooperate with the investigation, hence prayed for necessary directions for issuance of notice as per law.

5. Learned Additional Public Prosecutor submits that the Police concerned are prepared to issue 35 (3) of BNSS, 2023 notice.

6. I have perused the materials on record.

7. Having regard to the fact that the alleged offences are punishable with an imprisonment upto seven years and as the petitioners/accused Nos.2 to 4 are ready to engage themselves in the process, without going into merits of the matter, the Investigating Officer concerned is directed to issue notice under Section 35 (3) of BNSS, 2023 against the petitioners/accused Nos.2 to 4 and conduct proceedings as per the guidelines of **Arnesh Kumar v. State of Bihar**¹ scrupulously. Further, the petitioners are directed to appear before the SHO, Kamatipura, on 28.03.2025, whereupon, the investigating officer shall issue notice on the petitioners under Section 35 (3) of BNSS, 2023 and take up further proceedings as per law. In unison petitioners are directed to cooperate with the investigation.

8. With this direction, this Criminal Petition is disposed of.

Miscellaneous petitions, pending if any, shall stand closed.

1(2014) 8 SCC 273

//TRUE COPY//

SD/- MOHD. ISMAIL
DEPUTY REGISTRAR


SECTION OFFICER

To,

1. The Family Court at Secunderabad.
2. The Station House Officer, Kamatipura Police Station, Hyderabad Dist.
3. One CC to SRI MOHAMMAD ADNAN, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

SM/gh



HIGH COURT

DATED: 21/03/2025

ORDER

CRLP.No.3931 of 2025



DISPOSING OF THE CRIMINAL PETITION

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MBC
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