

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

**TUESDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 4410 OF 2025

Between:

Mahesh Kale, S/o Mr. Dasarath Kale, Aged about- 48 years occupation-Business,
R/o H.No. 7-1-282/C/9, Plot No.9, Shriram nagar colony, Balkampet, Hyderabad
500038

...Petitioners

AND

1. The State of Telangana, Represented by its Public Prosecutor High Court of Telangana, Hyderabad
2. Mr. Kamlesh Kumar Gupta, S/o Mr.Ganesh Prasad Aged about- 42 years, occupation- Business R/o plot No.103, B. Block, Tusli Apartment Sai Nagar, Khanajiguda, Secunderabad

...Respondents

Petition under Section 437/438/439/482 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 quash the proceedings of Petitioners in FIR vide Crime No.117 of 2025 on 17/02/2025 before III Addl. Chief Judicial Magistrate at Hyderabad.

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 in FIR vide Crime No.117 of 2025 on 17-02-2025 before III Addl. Chief Judicial Magistrate at Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Sridhar K, Advocate for the Petitioner and Sri Jithender Rao, Veermalla, Additional 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.4410 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 Crime No.117 of 2025 of S.R.Nagar Police Station, Hyderabad District, against the petitioner.

2. The petitioner is sole accused in Crime No.117 of 2025 registered for the offences punishable under Sections 316(4) and 318(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS, 2023').

3. Heard Mr. Kasani Sridhar, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1-State.

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

5. Learned Additional Public Prosecutor opposed the petition.

6. I have perused the materials on record.

7. Having regard to the fact that the alleged offences are punishable with an imprisonment below seven years and as the petitioner is ready to engage himself in the process, the petitioner is directed to appear before the SHO, S.R.Nagar Police Station, on 10.04.2025, whereupon, the Investigating Officer shall issue notice on the petitioner under Section 35(3) of BNSS, 2023 in Crime No.117 of 2025 and take up further proceedings as per the guidelines of **Arnesh Kumar v. State of Bihar**¹ scrupulously. In unison the petitioner is directed to submit his explanation and shall cooperate with the investigation.

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

Pending miscellaneous applications, if any, shall stand closed.

Sd/- MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Chief Metropolitan Magistrate, Hyderabad.
2. The Station House Officer, SR Nagar Police Station, Hyderabad.
3. One CC to Sri. Sridhar K Advocate [OPUC].
4. Two CCs to Public Prosecutor, High Court for the State of Telangana. [OUT].
5. Two CD Copies.

 YJR /psl

¹ (2014) 8 SCC 273

HIGH COURT

DATED:01/04/2025

ORDER

CRLP.No.4410 of 2025



DISPOSING OF THE CRIMINAL PETITION.

Q.M.T.
5/6/25