

[3217]

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

FRIDAY, THE SECOND DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 5046 OF 2025

Between:

Ramavath Kotes, S/o. Pakira, Aged about 26 years, Occ. Car Driver, R/o. Road No.6, Vinayaka Hills, Almasguda, Meerpet, R. R. District, N/o Veerlagadda Thanda (vi), Anumula (M), Nalgonda District.

...PETITIONER/ACCUSED No.1

AND

1. State of Telangana, Represented by Public Prosecutor, High Court Of Judicature.
2. Narsagalla Ganesh, S/o. Buggaiah, Aged about. 43 years, Occ. Govt Employee R/o. Plot No.139, Dwarakahills, Badangpet, Balapur Mandal, R.R. District.

...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 proceedings in Crime No. 381/2025, U/Sec.331(4). 305 BNS on the file of P.S. against the petitioner/Accused No.1 and pass

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 arrest of the petitioner in Crime No. 381/2025, U/Sec.331(4), 305 BNS on the file of P.S. MEERPET pending disposal of the main petition for quashing the same.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. Baskula Athik, learned counsel representing Sri Sardar Ramavath, Advocate for the Petitioner and of Mr. Jithender Rao Veeramall, learned Addl. Public Prosecutor on behalf of the Respondent No.1 and none appears for Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.5046 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.381 of 2025 of Meerpet Police Station, Rachakonda, against the petitioner-accused No.1.

2. The petitioner is arrayed as accused No.1 in Crime No.381 of 2025 registered for the offences punishable under Sections 331(4), 305 of Bharatiya Nyaya Sanhita, 2023.

3. Heard Mr. Baskula Athik, learned counsel representing the 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, the petitioner is apprehending coercive measures against him. Learned counsel 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, without going into merits of the matter, the petitioner is directed to appear before the SHO, Meerpet Police Station, Rachakonda within (7) days from the date of receipt of a copy of this order, whereupon, the Investigating Officer shall issue notice on the petitioner under Section 35 (3) of BNSS, 2023 in Crime No.381 of 2025 and take up further proceedings as per the guidelines of **Arnesh Kumar v. State of Bihar**¹. In unison, the petitioners are directed to cooperate with the investigation.
8. With this direction, this Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/- MOHD. ISMAIL
DEPUTY REGISTRAR

SECTION OFFICER

To

1. The VI Metropolitan Magistrate Rachakonda at L.B.Nagar R.R. District.
2. The Station House Officer, Meerpet Police Station, Rachakonda District.
3. One CC to Sri Sardar Ramavath, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD copies.

BJLB/gh

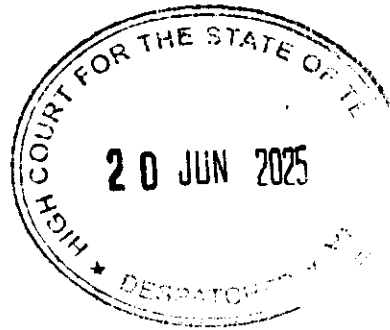
¹ (2014) 8 SCC 273

HIGH COURT

DATED:02/05/2025

ORDER

CRLP.No.5046 of 2025



CRIMINAL PETITION IS DISPOSED OF

PA
⑧ 6/6/25