

HIGH COURT FOR THE STATE OF TELANGANA

**FRIDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE**

**PRESENT
THE HONOURABLE SRI JUSTICE N.TUKARAMJI**

CRIMINAL PETITION NO: 5717 OF 2025

Between:

Potluri Bhargav Sudheer, S/o Potluri Venkata Chalapathi Rao, Aged about 24 years, Occ. Private Employee, R/o H.No. 8-19, Lakshmi Nagar Colony, Mallayapalem, Gudivada, Krishna District, Andhra Pradesh - 521301

...PETITIONER

AND

1. The State of Telangana, Rep. by its Public Prosecutor High Court of Telangana through The Station House Officer, KPHB Colony Police Station, Cyberabad District.

...RESPONDENT NO.1

2. G. Shiva Shankar Goud, S/o Ashok Goud, Aged 27 years, Occ. Private Employee, R/o H.No. 4-1-132/1, Attapur, Rajendranagar, Ranga Reddy District, Telangana State.

...RESPONDENT NO.2 /DEFACTO 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 FIR No. 235/2025 dated 17.02.2025 registered by KPHB Colony Police Station, Cyberabad, under Sections 125(a) BNS and 187 MV Act.

I.A. NO: 1 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 dispense with the filing of the certified copy of the FIR No. 235/2025 dated 17.02.2025 registered by the Station House Officer, KPHB Colony Police Station, Cyberabad, u/s 125(a) BNS and 187 MV Act.

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 including the arrest of the Petitioner in challenging the FIR No. 235/2025 dated 17.02.2025 registered by KPHB Colony Police Station, Cyberabad, under Sections 125(a) BNS and 187 MV Act.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. Bethamacharla Sai Haritha, Advocate for the Petitioner and Mr. Jithender Rao Veeramalla, Additional Public Prosecutor, High Court for the State of Telangana, Hyderabad on behalf of the State / Respondent No.1.

The Court made the following: ORDER:

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No. 5717 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.235 of 2025 of KPHB Colony Police Station, Cyberabad, against the petitioner.

2. The petitioner is arrayed as accused in Crime No.235 of 2025 registered for the offences punishable under Sections 125(a) BNS and Section 187 of the Motor Vehicle Act, 1988.

3. Heard Ms.B.Sai Haritha, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, representing 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 of less than 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 submits that the Police concerned are ready to issue notice under Section 35 (3) of BNSS, 2023.

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 Station House Officer, KPHB Colony Police Station, on or before 02.05.2025, whereupon, the Investigating Officer concerned shall issue notice on the petitioner under Section 35 (3) of BNSS, 2023 in Crime No.235 of 2025 and take up further proceedings as per the guidelines of **Arnesh Kumar v. State of Bihar**¹. In unison, the petitioner is directed to 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 XV Additional Judicial First Class Magistrate, Kukatpally, Medchal Malkajgiri District.
2. The Station House Officer, Kukatpally Housing Board Colony Police Station,, Cyberabad, Hyderabad.
3. One CC to Ms. Bethamacharla Sai Haritha, Advocate [OPUC]
4. One CC to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
5. Two CD Copies. *PA*

HIGH Court

DATED:25/04/2025



ORDER

CRLP.No.5717 of 2025

DISPOSED OF THE CRIMINAL PETITION

PA
⑦ 30/6/25