

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

TUESDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 7979 OF 2025

Between:

Sri. Raja Singh, S/o. Late. Amar singh, aged about 50 years, Occ. Pvt Job.
R/o.H.No.13-2-270/A/B, Raheempura, Dhoolpet, Asif Nagar, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad.
2. The Special Executive Magistrate, Hyderabad District.
3. The Station House Officer, Prohibition and Excise Police Station, Hyderabad.

...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 records relating to M.C.No.C/1191/2024 dated 24.05.2025 on the file of Special Executive Magistrate, Hyderabad for the alleged offence U/s 491 of 129 BNSS and quash the same.

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 grant stay of all further proceedings in MC.No.C/1191/2024 dated 24.05.2025 on the file of Special Executive Magistrate, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri AVINASH SINGH, Advocate for the Petitioner and Sri V.Jithender Rao, Addl. Public Prosecutor on behalf of the Respondent No. 1 to 3.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No. 7979 OF 2025

ORDER

This Criminal Petition is filed under Section 528 of *Bharatiya Nagarik Suraksha Sanhita, 2023* (for short 'the BNSS'), seeking quashment of the proceedings against the petitioner in M.C.No.C/1191/2024, dated 24.05.2025 issued by the Special Executive Magistrate, Hyderabad,

2. I have heard Mr.Avinash Singh, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, representing the respondents.

3. Learned counsel for the petitioner submits that the impugned show-cause notice, issued under Sections 491 and 129 of the BNSS alleges that the petitioner had executed a bond for good behaviour in the sum of Rs.1,00,000 for a period of one year. It is further stated therein that the Station House Officer, Prohibition and Excise Station, Dhoolpet, has reported the petitioner's involvement in COR No. 9 of 2025, dated 07.02.2025, thereby constituting an alleged breach of the said bond. He contends that the issuance of the show-cause notice is legally untenable, as it is solely premised on the registration of a criminal case without any conclusive finding or adjudication establishing guilt. Mere registration of a First Information Report (FIR), absent substantiating evidence or

conviction, cannot by itself be construed as a breach of the bond conditions and does not justify the initiation of proceedings under the said provisions. Thus, prayed for interference and quashment of the proceedings.

4. Learned Additional Public Prosecutor states that, based on information from the Station House Officer, Prohibition and Excise Station, Dhoolpet, the Special Executive Magistrate-respondent No.2 had only issued notice to the petitioner to show cause as to why legal action should not be enforced against him and therefore, sought for dismissal of the petition.

5. I have carefully examined the materials on record.

6. A close reading of the impugned show-cause notice reveals that, based on a report submitted by the Station House Officer, Prohibition and Excise Station, Dhoolpet, alleging that the petitioner is a habitual offender involved in repeated breaches of the peace within the jurisdictional limits of said station, respondent No. 2 issued a notice to the petitioner, calling upon explanation why legal action should not be initiated.

7. The issuance of a show-cause notice is a preliminary procedural step intended to provide the recipient an opportunity to present an explanation as to why further proceedings should not be initiated. Such a

notice, by its very nature, cannot be construed as arbitrary or as an order imposing any penal or adverse consequences upon the petitioner. Viewed thus, challenging the very issuance of the show-cause notice without availing the opportunity to respond is legally untenable. Without delving into other aspects of the matter, this Court finds it appropriate to direct the petitioner to approach respondent No. 2 and submit his explanation in response to the said notice.

8. Accordingly, the petitioner is directed to submit the explanation before respondent No. 2 within one week from the date of receipt of a copy of this order. Upon receipt of the explanation, respondent No. 2 shall consider the same and pass an appropriate reasoned order on merits, in strict accordance with law.

9. In view of the above, this Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/- U. SUDHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Executive Magistrate, Hyderabad
2. The Station House Officer, Prohibition and Excise, Dhoolpet Police Station, Hyderabad.
3. One CC to SRI AVINASHI SINGH Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad. [OUT]
5. Two CD Copies

BGS/gh



HIGH COURT

DATED: 01/07/2025



ORDER

CRLP.No.7979 of 2025

DISPOSING OF THE CRIMINAL PETITION

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14/10/25