IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 8352 OF 2025

Between:

1. Nagender @ Nagender Rao Kodati, S/o. Prabhakar Rao, aged about 24 years, Occ Student, R/o. Bandampalli Village, Duggondi Mandal, Warangal District, Telangana.
2. Kadari Swami, S/o Kadari Ilaiah, aged about 39 years, Occ Business, R/o, H.No.2-13, Vidhan Pally, Ramannapet, Nalgonda District.
3. Srikanth @ Keshaboina Srikanth, S/o Keshaboina Anjalah, aged about 26 years, Occ. Student, R/o. H.No. 3-128, Thatikole, Mandala devarakonda, Dist Nalgonda.
4. Sathish @ Padala Sateesh, S/o Padala Buchaiah, aged about 40 years, Occ. BRSV OU State Secretary, R/o. H.No 12-1-508/92/A/C, New Laxmi Nagar, Near Vidyodaya High School, Lalapet, Secunderabad. Hyderabad, Telangana.
5. Sai Teja @ Moonagara Sai Teja, S/o. Moonagara Venkat Rao, Aged about 28 years, Occ. Student, R/o.18-13-65/1/C, Bandlaguda, Bandiaguda, Keshogini, Bandlaguda, Hyderabad
6. Balemla Avinash, Aged about 25 years, Occ. Student, R/o. Addagudur, Nalgonda District, Telangana.
7. Kiran Yadav @ Hanmanapalli Sai Kiran, S/o. Ramesh, Aged about 25 years, Occ. Student, R/o. 14-20-473, Shivaji Nagar, Borabanda Balanagar, Rangareddy.
8. Umar @ Mohammed Abdul Omar, S/o. Abdul Aziz, Aged about 20 years, Occ. Student, R/o. H.No 13-4-40, V. Rama Rao Nagar, Mothi Nagar, Balanagar, Rangareddy District
9. Y Raju @ Dhandu Raju, S/o. Dhandu Rachandraiah, Aged about 20 years, Occ. Student, R/o. H.No 1-2-605/2/a/5, Thata Nagar, Lower Tank Bund, Hyderabad.
10. Swetha Gellu, W/o. Gellu Srinivas Yadav, Aged about 33 years, Occ. Housewife, R/o. Flat No. 1209, 12th Floor, MS 3, Old MPL Quarters, King Koti Marg, Hyderabad, Himayat Nagar, Hyderabad.
11. Sravan @ Bashaboina Shravan, S/o. Odelu, Aged about 39 years, Occ Business, R/o H.No 3-73, peddapapaiahpally, Huzurabad Mandal, Huzurabad, Karimnagar, Telangana

12. Sai @ Kalloori Sai, S/o. Kalloori Narsimha, Aged about 21 Years, Occ Student, R/o. H.No. 6-89, Meeseva Colony, Muni Panpula, Ramannapeta, Yadadri.

13. Amar @ Thakkalla Amarendar, S/o. Unknown, Aged about 22 years, Occ Student, Parvathapur Ghanpur(Md). Parwathapur, Ghanpur, Mahabubnagar, Telangana.

...Petitioners/Accused Nos.5 to 13,25,26,29 & 31

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court at Hyderabad.

2. Smt. Dr. K. Ajitha, W/o G. Eshwarayya Aged 50 years Occu Executive Editor R/o H.No.708, Plot No.7B, Pragathi Nagar, Nizampet, Hyderabad

...Respondent/De facto 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 call for the records relating to FIR No.441 of 2025 of P.S. Jubilee Hills, Hyderabad and Quash the same as against the Petitioners herein/Accused Nos. 5 to 13, 25, 26, 29 & 31

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 stay all further proceedings including the arrest of the Petitioners/Accused Nos. 5 to 13, 25, 26, 29 & 31 in FIR No.441 of 2025 of P.S. Jubilee Hills, Hyderabad, pending disposal of the Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri T V RAMANA RAO, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the Additional Public Prosecutor (TG) 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. 8352 OF 2025

ORDER

This petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashment of the proceedings in FIR.No.441 of 2025, dated 28.06.2025 on the file of the P.S Jubilee Hills, Hyderabad against the petitioners/accused Nos.5 to 13, 25, 26, 29 and 31.

2. Heard Mr.T.V. Ramana Rao, learned counsel for petitioners, Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. The petitioners are arrayed as accused Nos.5 to 13, 25, 26, 29 and 31 in FIR.No.441 of 2025 facing accusation under Sections 331(5), 331(7), 109(1), 118(1), 126(2), 324(5), 324(6), 351(3), 79, r/w.3(5) BNS.

4. Learned counsel for the petitioners respectfully submits that although the petitioners are fully committed to cooperate with the investigative process, they are apprehensive of potential coercive action being taken against them. This concern arises from the fact that, despite the alleged offence being punishable with imprisonment for a term less than seven years, the investigating police authority

has not yet issued any notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). It is further submitted that the petitioners have no intention of evading the investigation and are willing to extend full cooperation to the authorities. In light of these circumstances, learned counsel prays that appropriate directions be issued to the concerned police officials to proceed in accordance with law by issuing a notice under Section 35(3) of the BNSS, thereby safeguarding the petitioners from any unwarranted coercive measures.

5. Learned Additional Public Prosecutor opposed the petition.

6. I have perused the materials on record.

7. Considering that the alleged offence is punishable with imprisonment for a term less than seven years, and in view of the petitioners willingness to participate in the investigative process, the petitioners are directed to appear before the Station House Officer (SHO), P.S Jubilee Hills, Hyderabad, within one week from the date of receipt of a copy of this order. Upon such appearance, the Investigating Officer shall issue notice to the petitioners under Section 35(3) of the BNSS, in connection with FIR.No.441 of 2025, and shall proceed further strictly in accordance with the guidelines laid down by the Hon'ble Supreme Court in ***Arnesh***

Kumar v. State of Bihar[1]. Simultaneously, the petitioners are directed to extend full cooperation to the Investigating Officer during the course of the investigation.

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

Pending miscellaneous applications, if any, shall stand closed.

SD/- K. BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XVII Addl. Chief Judicial Magistrate, at Nampally.
2. The Station House Officer Jubilee Hills Police Station, Hyderabad.
3. One CC to SRI T V RAMANA RAO, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

SM/PSL

[1] (2014) 8 SCC 273

HIGH COURT

DATED: 07/07/2025



ORDER

CRLP.No.8352 of 2025

DISPOSING OF THE CRIMINAL PETITION

(8)

kpl
24/9/25