

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

**TUESDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 8709 OF 2025

Between:

1. IYAN ALIAS @ MOHD. MUSTAFA, S/o MOHD MEHABOOB, Aged about 28 years, Occ. Business, R/o H.No.2-3-706/6/1, Lal Bagh, Kodak Press, Amberpet, Hyderabad, Telangana.

...PETITIONER/ACCUSED

AND

1. THE STATE OF TELANGANA, Through Public Prosecutor, High Court for the State of Telangana At Hyderabad.
2. SIDDAGONI JYOTHI, W/o ANJAN GOUD, Aged about 39 years, Occ. Pvt. Employee, R/o Thirumala Nagar, Amberpet, 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 QUASH the FIR No.304/2025 of P.S. Amberpet under section 316(2) 318(4) BNS

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 in FIR No.304/2025 of P.S. Amberpet under Section 316 (2) 318 (4) BNS including arrest of the Petitioner pending disposal of the main Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MOHD AMAIR SOHAIL, Advocate for the Petitioner and SRI. JITHENDER RAO VEERAMALLA, Additional Public Prosecutor on behalf of the Respondent No.1 and of None Appeared for the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No. 8709 OF 2025

ORDER

This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking quashment of the proceedings against the petitioner/accused in Crime No.304 of 2025 of Amberpet Police Station, Hyderabad District.

2. The petitioner is arrayed as accused in Crime No.304 of 2025, registered for the offences punishable under Sections 316 (2) and 318 (4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS, 2023').

3. Heard Mr.Mohammed Amair Sohail, 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 respectfully submits that although the petitioner is fully committed to cooperate with the investigative process, he is apprehensive of potential coercive action being taken against him. This concern arises from the fact that, despite the alleged offence being punishable with imprisonment for a term less than seven years, the investigating authority has not yet issued any notice under Section 35(3) of the BNSS. It is further submitted that the petitioner has no intention of evading the investigation and he is willing to extend full cooperation to the investigating 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 petitioner from any unwarranted coercive measures.

5. Learned Additional Public Prosecutor opposed the petition.
6. I have perused the materials on record.
7. Considering the fact that the alleged offences are punishable with imprisonment for a term less than seven years, and in view of the petitioner's willingness to participate in the investigative process, the petitioner is hereby directed to appear before the Station House Officer (SHO), Amberpet Police Station, 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 petitioner under Section 35(3) of the BNSS, in connection with Crime No.304 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**,. Simultaneously, the petitioner is directed to extend full cooperation to the Investigating Officer during the course of the investigation.
8. With the above direction, this Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- AHMED ABDULLA KHAN
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The IV Additional Chief Judicial Magistrate at Nampally, Hyderabad,
Hyderabad District
2. The Station House Officer, Amberpet Police Station, Amberpet, Hyderabad
District
3. One CC to SRI MOHD AMAIR SOHAIL Advocate [OPUC]

4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]

5. Two CD Copies

VM/gh

HIGH COURT

DATED: 15/07/2025

ORDER

CRLP.No.8709 of 2025



DISPOSING THE CRIMINAL PETITION

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