

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

**THURSDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 10040 OF 2025

Between:

Bhukya Suresh, S/o. Homji Nayak, Aged 31 years, Occ Business, R/o. 4- 1- 15/19,
Reddy Bazar, Mahabubabad, Mahabubabad District.

...PETITIONER/ACCUSED No. 3

AND

1. The State of Telangana, Rep. by its Public Prosecutor High Court,
Hyderabad.
2. Sk. Khader Pasha, S/o. Not Known to Petitioner, Major, Occ: Police Officer,
O/o. PS Dornakal, Dornakal, Mahabubabad District.

...RESPONDENTS/ 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 proceedings against the Petitioner/Accused No. 3 in Crime No. 230 of 2025 on the file of P. S, Dornakal, Mahabubabad District in the interest of justice and equity

I.A. NO: 1 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 dispense with filing of the Certified copy of Crime. No. 230 of 2025 on the file of P. S, Dornakal, Mahabubabad District pending disposal of the Criminal Petition

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 of all proceedings against the Petitioner in Crime. No. 230 of 2025 on the file of P.S, Dornakal, Mahabubabad District including arrest of petitioner/Accused No. 3 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 UDAY KUMAR KUKKADAPU, Advocate for the Petitioner and the SRI JITHENDER RAO VEERAMALLA, Addl. Public Prosecutor on behalf of the Respondent No.1

The Court made the following ORDER:

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.10040 OF 2025

ORDER:

This petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashment of the proceedings in Crime No.230 of 2025, pending on the file of P.S. Dornakal, Mahabubabad District, against the petitioner/accused No.2.

2. Heard Mr.K.Uday Kumar, learned counsel for petitioner, Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. The petitioner is arrayed as accused No.3 in Crime No.230 of 2025 facing accusation under Sections 34(E) TSEA, 7(A), r/w. 8(E) TSPA.

4. Learned counsel for the petitioner respectfully submits that although the petitioners are 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 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 petitioner has intention of evading the investigation and is 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 petitioner 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 petitioner's willingness to participate in the investigative process, the petitioner is directed to appear before the Station House Officer (SHO), P.S. Dornakal, Mahabubabad District, 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.230 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 petitioner is 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/- N. CHANDRA SEKHAR
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To

1. The Station House Officer , Dornakal Police Station, Mahabubabad Dist.
2. Two CCS to Public Prosecutor High Court for the State of Telangana at Hyderabad.
3. One CC to SRI. UDAY KUMAR KUKKADAPU, Advocate [OPUC]
4. Two CD Copies



¹ (2014) 8 SCC 273

HIGH COURT

DATED:07/08/2025

ORDER

CRLP.No.10040 of 2025



DISPOSING OF THE CRL.PETITION.

⑦ 14pr
20/ 8/25