IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 15770 OF 2025

Between:

1. Qudsiya mumtaz , W/o mohd siddiq khan , aged about 48 years , occ . housewife, R/o . 5-5-193 Darussalam road , patel nagar Nampally, Hyderabad
2. Mohammad Hidayat Ali Khan , S/o mohd karamat Ali Khan, aged about 51 , occ . business ,R/o 2-2-10-1093/82/20 , Mumtaz school lane, vegetable market golnaka, Amberpet, hyderabad.
3. Basheerunnisa begum , W/o mohammed hidayat all khan , aged about 50 , occ. housewife, R/o . 2-2- 1093/82/20 , Mumtaz school lane , vegetable market golnaka, Amberpet, hyderabad.
4. Taj mumtaz , C/o mohd Ibrahim, aged about 47 , occ.housewife, R/o 17-1-182/M3 salar nagar , Madannapet, Hyderabad.

...Petitioner/Accused

AND

1. The State of Telangana, Through Public Prosecutor, High Court for the State of Telangana At Hyderabad
2. Tahmeena Yameen W/o MD Mansoor Ali Khan , Aged about 41 years ,occ. housewife , R/o 2-2-1093/82/20,mumtaz high school building 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.400/2025 of P.S. Kachiguda, Hyderabad under Section 115(2) , 305(a) BNS as the same is untenable either on facts or under law.

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 DIRECT the P.S.Kachigua , Hyderabad to follow the Section 35 of the Bharatiya Nagarik Surksha Sanhita, 2023 including stay all further proceedings pursuant to FIR No.400/2024 of P.S. Kachigud, Hyderabad under Section 115(2) , 305 (a) BNS and including arrest of 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 ANKARLA DHEERAJ, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.15770 of 2025

Date: 01.12.2025

Between:
Qudsiya Mumtaz and three others

...petitioners

AND

The State of Andhra Pradesh,
Represented by its Public Prosecutor
High Court for the State of Telangana,
At Hyderabad and another

...respondents

Order

This Criminal Petition is filed seeking to quash the proceedings in FIR No.400 of 2025, on the file of the Kachiguda Police Station, Hyderabad, wherein the petitioners were arrayed as accused Nos.1 to 4, for the offences punishable under Sections 115(2) and 305(a) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Mr.Ankarla Dheeraj, learned counsel for the petitioners and Mr.Jitendar Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1/State.

3. Learned counsel for the petitioners/accused Nos.1 to 4 submitted that the offences levelled against the petitioners are punishable with an imprisonment of less than seven years. He further submitted that the Investigating Officer, without following the procedure contemplated under Section 41-A of Cr.P.C./Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), as well as the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***[1], proceeding further in the matter and requested this Court to direct the Investigating Officer to follow the procedure contemplated under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS and the guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar's case (supra)***.

4. The above said submission was not opposed by learned Additional Public Prosecutor appearing for respondent No.1/State.

5. Taking into consideration the above submission and without expressing any view on the merits of the case, the Investigating Officer is directed to follow the procedure as contemplated under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS, and the

[1] (2014) 8 SCC 273

guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar's case (supra)***.

6. It is made clear that the petitioners/accused Nos.1 to 4 shall cooperate with the Investigating Officer for the investigation and make themselves available to him as and when required and also provide the information/documents as sought by him to conclude the investigation.

7. If the petitioners/accused Nos.1 to 4 fails to cooperate with the Investigating Officer for investigation, the Investigating Officer is at liberty to take action against them in accordance with law.

8. With the above direction, the criminal petition is disposed of.

As a sequel, miscellaneous petitions, pending if any, stand closed.

SD/- K MADHAVI,
ASSISTANT REGISTRAR.

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SECTION OFFICER

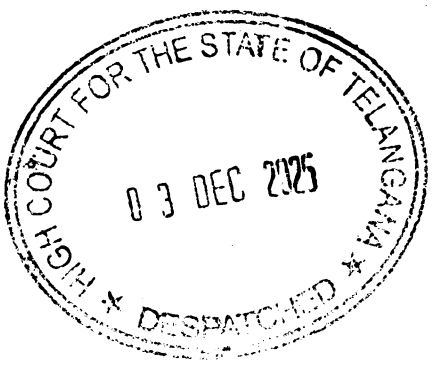
To,

1. The IV Additional Chief Judicial magistrate at Nampally, Hyderabad
2. The station House Officer, Kachiguda Police Station, Hyderabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI ANKARLA DHEERAJ, Advocate [OPUC]
5. Two CD Copies

ADK

HIGH COURT

DATED:01/12/2025



ORDER

CRLP.No.15770 of 2025

DISPOSING OF THE CRLP

3/12/25