

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE ELEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION NO: 16399 OF 2025

Between:

Shaik Mohammed Bawazer, S/o Shaik Salam Bawazer, Aged about 36 years,
Occ: Advocate, R/o H.No.18-10-352, Chandrayangutta, Hyderabad, Telangana.

...Petitioner/Accused No.5

AND

1. State of Telangana, Rep. by Public Prosecutor, High Court for the State of
Telangana, Hyderabad.

2. Mohammed Arif, S/o Mohammed Yousuf, Aged about 49 years, Occ:
Business, R/o H.No.18-2-35/A/ 14, Tadkuta, Chandrayangutta, Hyderabad.

...Respondent No.2/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.331 of 2025 of P.S. Chandrayangutta, on the file of Chief Judicial Magistrate, Hyderabad at Nampally, insofar as they pertain to the Petitioner / Accused No. 5 is concerned, and quash the same, in the interests of justice.

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. 331 of 2025 of P.S. Chandrayangutta, on the file of Chief Judicial Magistrate, Hyderabad at Nampally, insofar as they pertain to the Petitioner / Accused No. 5 is concerned, pending quash petition, in the interests of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. Mohammad Adnan, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the 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.16399 of 2025

Date: 11.12.2025

Between:

Shaik Mohammed Bawazer

...Petitioner

AND

The State of Telangana,
Rep. by Public Prosecutor,
High Court for the State of Telangana,
Hyderabad and another.

...Respondents

Order

This Criminal Petition is filed seeking to quash the proceedings in FIR No.331 of 2025, on the file of the Chandrayangutta Police Station, Hyderabad, wherein the petitioner was arrayed as accused No.5, for the offences punishable under Sections 318(3) and (4), 333 and 322 r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023.

2. Heard Mr.Mohammad Adnan, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1-State.

3. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offences and has been falsely implicated in the present crime. The only allegation made in the complaint against the petitioner is that he prepared a Memorandum of Understanding between accused Nos.1 to 4 and respondent No.2/complainant, and the said document was notarized by a notary advocate. Hence, the ingredients of the alleged offences are not attracted against the petitioner. He further submitted that the learned Magistrate, without issuing notice under Section 223 of the BNSS, referred the matter to the police for investigation, and the same is contrary to law. Therefore, continuation of the proceedings against the petitioner is a clear abuse of the process of law.

4. *Per contra*, learned Additional Public Prosecutor submitted that the provisions of Section 223 of the BNSS are not attracted to the present case, as the learned Magistrate has not taken cognizance of the offences and has only referred the matter to the police for investigation. He further submitted that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. The Investigating Officer has already issued notice under Section 41-A of the Criminal Procedure Code, 1973 (for short, 'Cr.P.C.') / Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita,

2023 (for short, 'BNSS') to accused Nos.1 to 4 on 14.11.2025. The Investigating Officer will issue notice to the petitioner as well, and the petitioner has to cooperate with the investigation.

5. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. According the learned Additional Public Prosecutor, the Investigating Officer has already issued notice under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS to accused Nos.1 to 4 on 14.11.2025.

6. In view of the same, the petitioner is directed to appear before the Investigating Officer on or before 20.12.2025 and on such appearance, the Investigating Officer is entitled to issue notice under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS to the petitioner and follow the guidelines issued by the Apex Court in *Arnesh Kumar Vs. State of Bihar*¹.

7. It is made clear that the petitioner is entitled to submit reply/explanation along with the documents, which are available with him, to the Investigating Officer.

¹(2014) 8 SCC 273

8. If the petitioner fails to appear before the Investigating Officer, within the stipulated time, the Investigating Officer is entitled to take action against him in accordance with law.

9. Subject to the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

**SD/-B.REKHA RANI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief Judicial Magistrate, Hyderabad at Nampally, Hyderabad.
2. The Station House Officer, Chandrayanagutta Police Station, Hyderabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Mr. Mohammad Adnan, Advocate [OPUC]
5. Two CD Copies

Kam/PSL

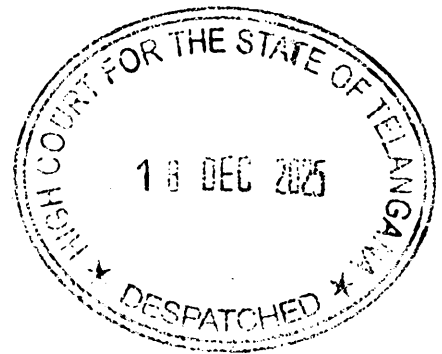


HIGH COURT

DATED:11/12/2025

ORDER

CRLP.No.16399 of 2025



**DISPOSING OF THE
CRIMINAL PETITION**

(Smt)
18/12/25