

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

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16461 OF 2025

Between:

Srikanth Joshi, S/o. Arun Joshi aged 42 years, Occ Pvt.Employee H.No.23-5-765, Laldarwaza mode, Charminar, Hyderabad

...PETITIONER/ACCUSED NO.1

AND

1. The State of Telangana, Rep, by Public Prosecutor, High Court of Judicature at Hyderabad
2. Ch. Syamala, Ch. Venkatesh, aged about 21 years, Occ Student, R/o.SBR, Road No.3, Bodupal, Hyderabad

...RESPONDENT/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 in F.I.R.No.2326/2025, dated 02/12/2025, on the file the P.S. Madapur, Hyderabad., against the petitioner/Accused No. 1 herein in the interest of Justice and equity

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 further proceedings in F.I.R.No.2326/2025, dated 02/12/2025, on the file the P.S. Madapur, Hyderabad., against the Petitioner/Accused No. 1 herein including arrest and 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 NELI NARSIMULU representing SRI MOGILI ANAVENI, Advocate for the Petitioner and 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.16461 of 2025

Date: 11.12.2025

Between:

Srikanth Joshi

...Petitioner

AND

The State of Telangana
Rep. by Public Prosecutor,
High Court of Judicature at Hyderabad and another.

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in F.I.R.No.2326 of 2025 on the file of Madhapur Police Station, Cyberabad, wherein the petitioner was arrayed as accused No.1 for the offences punishable under Sections 316(2), 318(4) r/w 35 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Sri Neeli Narsimulu, learned counsel representing Ms.Mogili Anaveni, learned counsel for the petitioner and

Sri V.Jithendar Rao, learned Additional Public Prosecutor for respondent No.1.

3. Learned counsel for the petitioner submitted that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. The Investigating Officer, without following the procedure prescribed under Section 41-A of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C.") / Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS"), and also the guidelines formulated by the Apex Court in *Arnesh Kumar Vs. State of Bihar*¹, is proceeding with the investigation and the same is contrary to law.

4. The learned Additional Public Prosecutor submitted that the Investigating Officer will follow the procedure contemplated under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in *Arnesh Kumar supra*.

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

¹(2014) 8 SCC 273

punishable with imprisonment of less than seven years. The petitioner/accused No.1 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 Cr.P.C./Section 35(3) of BNSS and follow the guidelines issued by the Apex Court in *Arnesh Kumar* supra.

6. 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.

7. 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.

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

Miscellaneous applications, pending if any, shall stand closed.

SD/- A.PRATHIMA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Junior Civil Judge CUM X Additional Judicial First Class Magistrate, Rangareddy District at Kukatpally.
2. The Station House Officer, Madhapur Police Station, Cyberabad.
3. Two CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana [OUT]

4. One CC to SRI. MOGILI ANAVENI Advocate [OPUC]

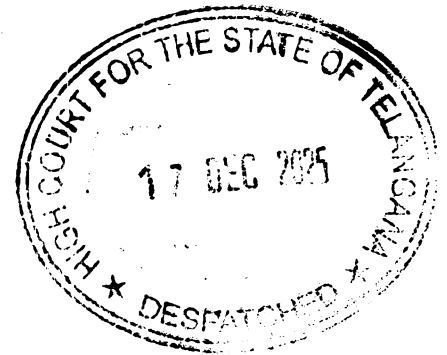
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DDN/PSL

hph

HIGH COURT

DATED:11/12/2025



ORDER

CRLP.No.16461 of 2025

DISPOSING OF THE CRIMINAL PETITION

(8)

lcpl
17/12/25