IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16717 OF 2025

Between:

Shaik Jilani, S/o Shaik Chinna Vali, Age: 32 years, Occupation: Private Employee, R/o-H.No- 24-23-81/A, Nallacheruvu, Guntur, Andhra Pradesh-522003

...Petitioner/Accused No.1

AND

1. The State of Telangana, rep.by its Public Prosecutor, High Court of Telangana at Hyderabad
2. Shaik Mahaboob Ali, S/o Not Known to Petitioner, Age: Not Known to Petitioner, Occ: Managing Director of Guide One Overseas PVT LTD,R/o: Near Bright Concept High School, Rangareddy Nagar,IDPL Colony, Bala Nagar, Hyderabad

...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 in FIR No. 297/2025, dt- 14/10/2025, of P.S. Nampally, Hyderabad District, against the petitioner

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 including the arrest of the petitioner/accused in FIR No. 297/2025, dt- 14.10.2025, of P.S. Nampally, Hyderabad, District

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Jwala Prasad ,Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the Addiitonal 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.16717 of 2025

Date: 15.12.2025

Between:

Shaik Jilani

...Petitioner

AND

The State of Telangana,
Represented by Public Prosecutor,
High Court, Hyderabad and another.

...Respondents

ORDER

This Criminal Petition is filed seeking to quash the proceedings in Crime No.297 of 2025, on the file of the Nampally Police Station, Hyderabad, wherein the petitioner was arrayed as accused No.1, for the offences punishable under Sections 352, 351(2) of the Bharatiya Nyaya Sanhitha, 2023.

2. Heard Mr.Jwala Prasad, 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 any offence and has been falsely implicated in the present case. The essential ingredients of the offences under Sections 352, 351(2) of the Bharatiya Nyaya Sanhitha, 2023 are not attracted. Thus, the continuation of proceedings against him would be a clear abuse of process of law.

4. Per contra, learned Additional Public Prosecutor submitted that as the punishment prescribed for the offences alleged against the petitioner is less than seven (07) years, a notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita has been issued to petitioner on 02.12.2025.

5. Having considered the rival submissions made by both the respective parties and upon 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. Even according to the learned Additional Public Prosecutor, the

Investigating Officer has already issued notice under Section 35(3) of the BNSS to the petitioner on 02.12.2025.

6. In view of the same, the petitioner is entitled to submit his reply to the notice by enclosing all relevant documents. The Investigating Officer is further directed to scrupulously follow the procedure contemplated under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***[1] and conclude the investigation.

7. With the above said direction, this criminal petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

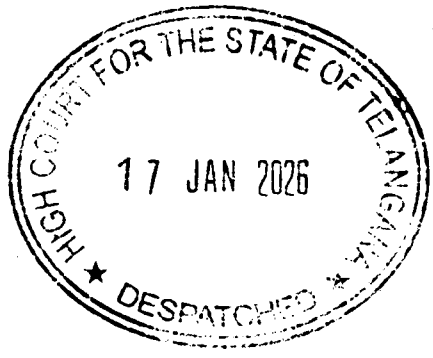
To,

1. The XII Additional Chief Judicial Magistrate, at Nampally.
2. The Station House Officer, Nampally 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 Jwala Prasad, Advocate [OPUC]
5. Two CD Copies

Sa JKS

HIGH COURT

DATED:15/12/2025



ORDER

CRLP.No.16717 of 2025

DISPOSING OF THE CRIMINAL PETITION

(8) JKS
3/1/26