IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY FOURTH DAY OF DECEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17702 OF 2025

Between:

Manoj Singh Devi, S/o Late D. Sajjan Singh, aged about 63 years, Occ: Educationalist, R/O. 8-7/1, Sri Sainagar Colony, Besides Bank of Maharashtra, Bandlaguda, Keshogiri, Hyderabad - 500005.

...PETITIONER/ACCUSED

AND

1. The Station House Officer, I.S. sadan Police Station, The state of Telangana, rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad
2. Smt. Shanti Singh, W/o. Late D. Vinod Singh, aged about 56 years, Occ: Private/Member of Vidya Dayini Educational Society, R/o. 8-20/4, Sri Sainaar Colony, Balapur, Ranga Reddy District.

...DEFACTO COMPLAINANT (RESPONDENT)

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. 321 of 2025 on the file of I.S. Sadan, Police Station, Hyderabad, as illegal arbitrary, biased, unconstitutional and against the principles of the natural 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 of all further proceedings in FIR No. 321 of 2025 On the file of I.S. Sadan, Police Station, Hyderabad, pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri D S N V Prasad Babu, Advocate for the Petitioner and of Sri Jithender Rao Veeramalla, the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and None appeared for Respondent no.2

The Court made the following: ORDER

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 17702 of 2025

DATE: 24.12.2025

Between :

Manoj Singh Devi

....Petitioner/accused

AND

The Station House Officer,
I.S. Sadan Police Station,
The State of Telangana,
Rep. by its Public Prosecutor,
High Court for the State of Telangana,
Hyderabad and another

....Respondents

: O R D E R :

This criminal petition has been filed by the petitioner/accused seeking to quash the proceedings in F.I.R.No.321 of 2025 of I.S. Sadan Police Station, Hyderabad, registered for the offences under Sections 74, 115(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, (for short, 'BNS').

2. Heard Mr. D.S.N.V. Prasad Babu, learned counsel for the petitioner, and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1 State.

3. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and he has been falsely implicated in the present crime. Even according to the allegations made in the

complaint, the ingredients of the offences under Sections 74, 115(2), 351(2) and 352 of the BNS are not attracted against the petitioner. He further submitted that respondent No.2 and others filed O.P.No.66 of 2025 before the XXV Chief Judge, City Civil Courts, Hyderabad, seeking termination of the petitioner as the President of M/s. Vidya Dayini Educational Society, and other reliefs. Along with the said O.P., they filed an application, namely I.A.No.1790 of 2025 for grant of an *ad interim* injunction against the petitioner from interfering with the affairs and administration of said Society and its institutions, more specifically from collecting amounts into unauthorized/personal accounts, including any participation of respondent No.2 and others in the administration of Society. The learned XXV Additional Chief Judge, City Civil Court, Hyderabad, granted an *ad interim* injunction on 18.12.2025. Immediately, the petitioner filed an application on 22.12.2025 seeking vacation of the said *ad interim ex parte* injunction and the said application is still pending. Respondent No.2 has implicated the petitioner by making false allegations. Hence, the continuation of the proceedings against the petitioner is clear abuse of the procession of the law.

4. *Per contra,* learned Assistant Public Prosecutor submitted that respondent No.2 has made specific allegations against the petitioner. Whether the petitioner has committed the offence or not, the same has to be revealed during the course of investigation. As of now, the

Investigating Officer has recorded the statement of respondent No.2 and the investigation is under progress. He further submitted that as the offences levelled against the petitioner are punishable with an imprisonment of less than seven years, the Investigating Officer will follow the procedure as contemplated under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') and also the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar Vs. State of Bihar**[1]. The petitioner is entitled to submit his reply by raising all the pleas by enclosing all the documents.

5. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the offences levelled against the petitioner are punishable with an imprisonment below seven years. The Investigating Officer ought to have followed the procedure as contemplated under Section 35(3) of BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** *supra.*

6. Hence, the Investigating Officer is directed to scrupulously follow the procedure contemplated under Section 35(3) of BNSS and the guidelines issued by the Apex Court in **Arnesh Kumar** *supra.*

7. It is made clear that the petitioner/accused shall cooperate with the Investigating Officer for the investigation and make himself

[1](2014) 8 SCC 273

available to him as and when required and also provide the information/documents as sought by him, after receiving notice under Section 35(3) of the BNSS.

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

Miscellaneous applications, pending if any, shall stand closed.

SD/- N SRIHARI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

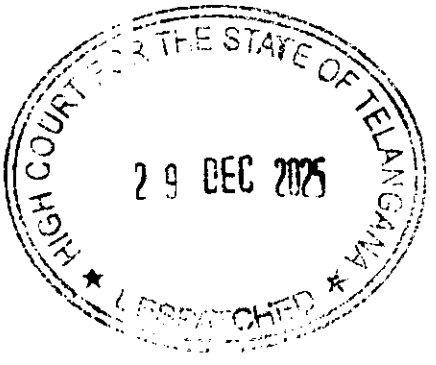
To

1. The VII Additional Chief Judicial Magistrate at Nampally, Hyderabad.
2. The Station House Officer, I.S. Sadan 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. D S N V Prasad Babu, Advocate [OPUC]
5. Two CD Copies

PR/PSL

HIGH COURT

DATED:24/12/2025



ORDER

CRLP.No.17702 of 2025

DISPOSING OF THE CRL.PETITION

(8)

kpr

29/12/25