IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE THIRTIETH DAY OF DECEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 17890 OF 2025

Between:

1. Masood @ Masnath Ali Khan, S/o. Shahed Ali Khan, Aged about 38 years, Occ: Agriculture, R/o. H.No.4-2 Kattepally Village, Bejjur Mandal, Kumurambheem Asifabad District.
2. Jisan @ Zeeshad Ali Khan, S/o. Shahed Ali Khan, Aged about 35 years, Occ: Agriculture, R/o. H.No.5-92 Kattepally Village, Bejjur Mandal, Kumurambheem Asifabad District.
3. Sonu @ Arbaz Khan, S/o. Shahed Ali Khan, Aged about 28 years, Occ: Upa-Sarpanch Kattepally GP, R/o. H.No.4-2 Kattepally Village, Bejjur Mandal, Kumurambheem Asifabad District.
4. Salman, S/o. Shahed Ali Khan, Aged about 30 years, Occ: Agriculture, R/o. H.No.4-2 Kattepally Village, Bejjur Mandal, Kumurambheem Asifabad District.

...Petitioner/Accused No.1 to 4

AND

1. The State of Telangana, through S.H.O., Bejjur Police Station, K.B. Asifabad District, Rep. by its Public Prosecutor, High Court for the State of Telangana, at Hyderabad.

...Respondent

2. Bhujanga Rao Manepalli, S/o. Pullaiah, Aged about 47 years, Occ: Agriculture, R/o. Kattepally Village, Bejjur Mandal, Kumurambheem Asifabad District.504300

...Respondent/Defacto Complainant

Petition under Section 528 of B.N.S.S. 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 in FIR/ C.r. No. 137 of 2025 On the file of Police Station, Bejjur K.B. Asifabad District, and Quash the same.

I.A. NO: 1 OF 2025

Petition under Section 528 of B.N.S.S. 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/ C.r. No. 137 of 2025 On the file of Police Station, Bejjur K.B. Asifabad District, 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 Rudresh Deshpande ,Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the Additional Public Prosecutor on behalf of the Respondent No. 1

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.17890 of 2025

Date: 30.12.2025

Between:

Masood @ Masnath Ali Khan and three others

...Petitioners/accused Nos.1 to 4

AND

The State of Telangana, through S.H.O., Bejjur Police Station, K.B. Asifabad District, Represented by its Public Prosecutor, High Court for the State of Telangana, at Hyderabad and another

...Respondents

ORDER

This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking to quash the proceedings against the petitioners/accused Nos.1 to 4 in FIR.No.137 of 2025, on the file of Police Station, Bejjur K.B. Asifabad District, registered for the offence punishable under Sections 115(2), 126(2), 296(b), 351(2) r/w. 3(5) of Bharatiya Nyaya

Sanhita, 2023 (for short 'BNS') and Sections 3 2)(va) of The Scheduled Castes And The Scheduled Tribes Prevention Of Atrocities) Act, 1989 (for short 'SC ST POA Act')

2. Heard Sri Rudresh Deshpande, learned c)unsel for the petitioners/accused Nos.1 to 4 as well as Sri Jithender Rao Veeramalla, the learned Additional Public Prosecutc r appearing for the respondent No.1-State.

3. Learned counsel for the petitioners have restricted his submission stating that a direction be issued to the Police to follow the procedure prescribed under Section 35 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

4. On the other hand, the learned Additional Public Prosecutor submitted that the punishment prescribed for the offences alleged against the petitioners is less than seven (07) years and has sought for directions to the Police to proceed with investigation by issuing notice under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS').

5. Perused the record. The allegations leveled against the petitioners pertain to the offence under Sections 115(2), 126(2),

296(b), 351(2) r/w. 3(5) of BNS and Sections 3(2)(va) of SC ST POA Act, which attracts punishment of less than seven years. Hence, without going into the merits of the case, this Court deems it appropriate to direct the petitioners/accused Nos.1 to 4 to appear before the Investigating Officer on or before 27.01.2026 between 11:00 a.m. and 05:00 p.m. and in turn, the Investigating Officer is directed to follow the procedure laid down under Section 35 (3) of the BNSS (previously section 41-A of Criminal Procedure Code, 1973) and also the guidelines formulated by the Hon'ble Supreme Court of India in ***Arnesh Kumar v. State of Bihar***[1] scrupulously. However, the petitioners/accused Nos.1 to 4 shall submit his defense and co-operate with the Investigating Officer as and when required by furnishing information and producing all relevant documents/material required for the purpose of investigation and the Investigating Officer shall consider the same and complete the investigation strictly in accordance with law.

6. Accordingly the Criminal Petition is disposed of.

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[1] (2014) 8 SCC 273

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

S D/- V.HARI PRASAD
DEPUTY REGISTRAR

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SECTION OFFICER

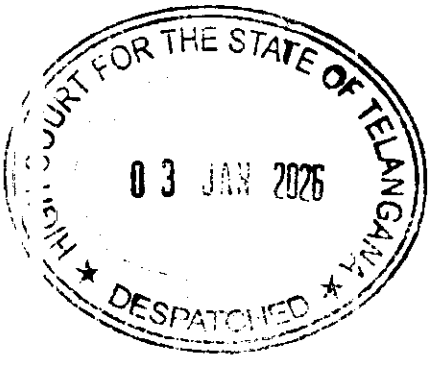
To,

1. The Judicial First Class Magistrate at Sirpur-T
2. The Station House Officer, Bejjur Police Station, Kumuram Bheem Asifabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OUT)
4. One CC to Sri Rudresh Deshpande, Advocate [OPUC]
5. Two CD Copies

Sa/PSL

HIGH COURT

DATED:30/12/2025



ORDER

CRLP.No.17890 of 2025

DISPOSING OF THE CRIMINAL PETITION

(8)

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3/1/26.