

THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 427 OF 2026

Between:

Mr. Bandi Sandeep Raja, S/o. Bandi Pandu, Aged about 44 years, Occupation. I.T Professional R/o R/o H.no. 10-2-355/2, Flat No. 202, Prabhatkar Apartment, Vijay Nagar Colony, Hyderabad.

...PETITIONER/ACCUSED No.1

AND

1. The State of Telangana, Rep. by Public Prosecutor, High Court for Telangana State, Hyderabad
2. Rabia Basri, W/o Mohammed Saleem, Age. 47 yrs, Occ. House Hold, H.No. 9-10-21/A/8, Foreign Cottage, Inside Golconda Fort, Hyderabad. T.S.

...RESPONDENTS/COMPLAINANTS

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 Crime No. 3 of 2026 pending before the Station House Officer, Police Station Golconda at Hyderabad Telangana, dated 02-01-2026 so far as the Petitioner/Accused No.1 is concerned Pass such other order or orders as this Court may deem fit and proper in the interest of justice.

I.A. NO: 2 OF 2026

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 please to stay the arrest of the petitioner in Crime No. 3/2026 pending before the Station House Officer, Golconda Police Station at Hyderabad, dated 02-01-2026 registered for the alleged offences punishable under Sections 316(2), 318(4), 351(2) r/w 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS), 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 Ashwin Kumar Jaiswal, learned counsel who argued through virtual mode representing Mr. Aamer Hashmi, Advocate for the Petitioner/accused No.1 and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the Respondent No.1, and none appears for Respondent No. 2.

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.427 of 2026

DATE OF ORDER:-20.01.2026

Between:

Mr.Bandi Sandeep Raja,
R/o.Hyderabad.

... Petitioner /Accused No.1

AND

The State of Telangana
rep. by its Public Prosecutor, High Court
for Telangana at Hyderabad & another.

...Respondents

ORDER:

1. This Criminal Petition is filed under Section 428 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking to quash
the proceedings against the petitioner/accused No.1 in Crime No.03
of 2026, on the file of Golconda Police Station, Hyderabad,
registered for the offences punishable under Sections 316(2), 318(4)
and 351(2) read with 3(5) of BNS, 2023.

2. Heard Sri Ashwin Kumar Jaiswal, learned counsel who argued
through virtual mode representing Mr.Aamer - ashmi, learned
counsel on record for the petitioner/accused No.1 as well as

Sri Jitender Rao Veeramalla, the learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. Learned petitioner's counsel has submitted that the petitioner has never created any documents nor has created any Agreement-of-Sale and that infact, the defacto complainant has executed an Agreement-of-Sale in his favour and now has created a new Agreement-of-Sale just to avoid the transaction entered into with the petitioner. He further submitted that the petitioner has filed a Suit vide O.S.No.701 of 2025 against the defacto complainant and to just to settle the scores in that matter, the present complaint is lodged by the defacto complainant against the petitioner with false allegations. He therefore prayed to quash the proceedings against the petitioner.

4. The learned Additional Public Prosecutor has submitted that filing of a Suit does not preclude the petitioner in launching the criminal proceedings when there is a criminal element alleged against the petitioner. However, the offences alleged against the petitioner are punishable with less than seven years of imprisonment. He therefore prayed to pass appropriate orders.

5. Perused the record. The petitioner is alleged with the offences under Sections 316(2), 318(4) and 351(2) read with 3(5) of BNS, 2023, which are punishable with less than seven years of

imprisonment. The investigation is still in progress. The same cannot be stalled at this stage. Hence, without going into the merits of the case, this Court deems it appropriate to dispose of the Criminal Petition by directing the petitioner to appear before the Police and receive the notice under Section 35(3) of BNSS.

6. Hence, the Criminal Petition is disposed of directing the petitioner/accused No.1 to appear before the Investigating Officer on or before 10.02.2026 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 BNSS, 2023 (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 petitioner/accused No.1 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. In case, the petitioner fails to appear before the Investigating Officer

¹ (2014) 8 SCC 273

within the stipulated time, the Investigating Officer is at liberty to take necessary steps in accordance with law.

7. With the above observations, the Criminal Petition is disposed of accordingly.

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

SD/- T. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XVII Addl. Chief Judicial Magistrate of First Class, Hyderabad.
2. The Station House Officer, Golconda Police Station, at Hyderabad.
3. One CC to Sri Aamer Hashmi, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana (OUT)
5. Two CD Copies

BJLB/PSL

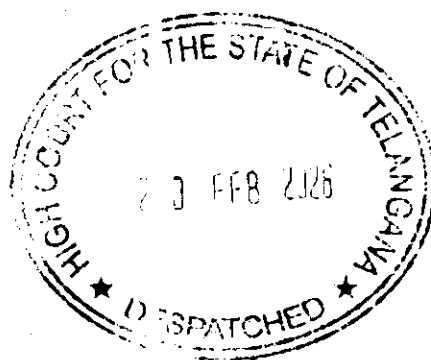
Jks

HIGH COURT

DATED:20/01/2026

ORDER

CRLP.No.427 of 2026



CRIMINAL PETITION IS DISPOSED OF

(8) - JKS
3/2/26 .