

[3303]

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

**WEDNESDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 2348 OF 2026

Between:

1. Latheef, S/o Usman Khan, Aged about 35 yrs, Occ: Pvt employee, R/o. H.no. 2-5, Suleman Nagar, Rudur Mandal, Nizamabad District.
2. Ghouse Khan, S/o Usman Khan, Aged about 35 yrs, Occ: Pvt employee, R/o H.no. 2-5, Suleman Nagar, Rudur Mandal, Nizamabad District.

...Petitioners/A1,A2

AND

1. The State of Telangana, Rep. by its Public Prosecutor, Having office at High Court, Hyderabad.
2. Vāgmare Narsabai, W/o Dev Rao, Aged about 53 yrs, Occ: Housewife, R/o. Rudrur Village, Nizamabad District.

...Respondents

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 entire records relating to FIR No. 15 of 2026, pending on the file of Learned Additional Junior First Class Magistrate, At Bodhan, registered by P.S. Rudrur, and quash the same in the interest of justice.

I.A. NO: 2 OF 2026

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 No.15 of 2026, pending on the file of Learned

Additional Junior First Class Magistrate, At Bodhan, registered by P.S. Rudrur, pending quash petition in the interest of Justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mohammad Adnan, Advocate for the Petitioner and the Sri Jithender Rao Veeramalla, 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

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

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.2348 of 2026

Date: 25.02.2026

Between:

Latheef and another

...Petitioners/Accused Nos.1 and 2

AND

The State of Telangana, represented by its Public Prosecutor,
Having office at High Court, Hyderabad and another.

...Respondents

Order:

This Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short 'the BNSS') by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings in FIR No.15 of 2026 of Rudrur Police Station, Nizamabad District, registered for the offences punishable under Sections 115(2) and 351(2) read with 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'the BNS') and Section 3(1)(r)(s) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC ST POA Act').

2. Heard Mr. Mohammed Adnan, learned counsel for the petitioners, and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for respondent No.1.

3. In spite of service of notice, respondent No.2 has not chosen to enter appearance.

4. With the consent of both the parties, this criminal petition is disposed at the stage of admission.

5. Learned counsel for the petitioners submitted that the petitioners have not committed any offences and they have been falsely implicated in the present crime. Even according to the allegations made in the complaint, the ingredients of the offences under Sections 115(2) and 351(2) read with 3(5) of BNS and Section 3(1)(r)(s) of SC ST POA Act are not attracted against the petitioners. The offences leveled against the petitioners are punishable with imprisonment up to seven years. However, the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the BNSS, the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**¹, the principles laid down by the Hon'ble Apex Court in **Md. Asfak Alam v. The State of Jharkhand & another** (Crl.A.No.2207 of 2023) dated 31.07.2023, and also the circular issued by this Court in ROC.No.1399/SO/2023 dated 09.08.2023, is proceeding with the investigation, which is contrary to law.

¹(2014) 8 SCC 273

6. 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 petitioners are punishable with imprisonment up to seven years. In view of the same, the Investigating Officer is directed to scrupulously follow the procedure contemplated under the provisions of the BNSS and the guidelines and principles issued by the Hon'ble Apex Court in **Arnesh Kumar** (*supra*) and **Md. Asfak Alam** (*supra*), and conclude the investigation. The petitioners are directed to cooperate with the police. It is needless to state that the petitioners are entitled to submit his reply/statement as soon as they received the notice from the Investigating officer, by raising all the pleas which are available to them, by enclosing the documents.

7. With the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- C.DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Judicial First Class Magistrate at Bodhan.
2. The Station House Officer, Police Station Rudrur, Nizamabad.
3. One CC to SRI. MOHAMMAD ADNAN Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

Ba/PSL *kg*

HIGH COURT

DATED: 25/02/2026

ORDER

CRLP.No.2348 of 2026



DISPOSING OF THE CRIMINAL PETITION

*Scopes
Rf
12/3/26*