IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 5465 OF 2026

Between:

Chitharanjan Roy, S/o Omkar Pershad Roy, Aged about 74 years, Occ. Agriculture, R/o G-6, Block-F, Aparna Cyber Life, Near Citizen Hospital, Sherilingampally, VTC. Nallagandla, K.V.Rangareddy District, Telangana State - 500 019.

...Petitioner/Accused

AND

1. State of Telangana, rep. by P.P. High Court for the State of Telangana at Hyderabad.

...Respondent/State

2. Sri Santosh Singh, S/o Late B.Laxman Singh, Age. 52 years, Occ. Practicing Advocate, Caste. BC-Lodhkshatriyas, R/o. H.No.1-2-178/B/1, Domalguda, Himayatnagar Street No.7, Hyderabad. Cell No.9849168900.

...Respondent/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 Crime No.104 of 2025 of Bomraspet Police Station, Vikarabad District on the file of the Principal Junior Civil Judge cum Judicial Magistrate of First Class, Vikarabad District at Kodangal.

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 to Stay all further proceedings in Crime No.104 of 2025 of PS. Bomraspet, Vikarabad District on the file of the Principal Junior Civil Judge cum Judicial Magistrate of First Class, Vikarabad District at Kodangal 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 G. Santosh Reddy, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, learned Additional 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.5465 of 2026

Date: 13.04.2026

Between:

Chitharanjan Roy

...Petitioner/Accused

AND

The State of Telangana, represented by its Public Prosecutor, High Court for the State of Telangana, 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 petitioner/accused seeking to quash the proceedings in Crime No.104 of 2025 of Bomraspet Police Station, Vikarabad District at Kodangal, registered for the offences punishable under Sections 329(3), 324(4) read with 49 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'the BNS').

2. Heard Mr. G.Santosh Reddy, learned counsel for the petitioner, and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for respondent No.1.

3. Learned counsel for the petitioner submitted that the petitioner has not committed any offences and they have been falsely implicated in the present crime. The allegations levelled against the petitioner are purely civil in nature in respect of agricultural land and respondent No.2 filed the present complaint by giving criminal colour. Even according to the allegations made in the complaint, the ingredients of the offences under Sections 329(3), 324(4) read with 49 of the BNS are not attracted against the petitioner. He further submitted that petitioner/accused was not present on the date of alleged offence as he is residing in U.S.A and therefore, respondent No.2 filed the complaint by making false allegations and that the petitioner's name was not mentioned in the complaint. Subsequently, petitioner's name was implicated as accused No.2.

4. He further submitted that the offences leveled against the petitioner are punishable with imprisonment of less than 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. Hence, the continuation of proceedings against the petitioner is a clear abuse of process of law.

5. *Per contra,* the learned Additional Public Prosecutor, basing upon the written instructions dated 10.04.2026 furnished by the Sub-Inspector of Police, Bomraspet Police Station, Vikarabad District, submitted that the Investigating Officer issued notice under Section 35(3) of the BNSS to the petitioner on 08.02.2026. However, the Investigating Officer will follow due procedure in respect of petitioner/accused and also the procedure prescribed under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** (*supra*) and requested this Court to direct the petitioner to cooperate with the investigation.

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[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 initially, petitioner was not arrayed as accused No.2. Subsequently, the petitioner was arrayed as accused No.2 for the offences under Sections under 329(3), 324(4) read with 49 of the BNS and the offences leveled against petitioner/accused 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 petitioner/accused on 08.02.2026. In view of the same, petitioner/accused is entitled to submit his reply by putting forth their grievances by raising all the pleas which are available to him by enclosing all relevant documents which are in their possession. The Investigating Officer is further directed to scrupulously follow the due procedure in respect of petitioner/accused and also the provisions of the BNSS and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar*** *supra*, and conclude the investigation.

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

Miscellaneous applications, pending if any, shall stand closed.

SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

To, **SECTION OFFICER**

1. The Principal Junior Civil Judge cum Judicial Magistrate of First Class, Vikarabad District at Kodangal.
2. The Station House Officer, Bomraspet Police Station, Vikarabad District.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri G. Santosh Reddy, Advocate [OPUC]
5. Two CD Copies

GNK/PSL

HIGH COURT

DATED: 13/04/2026



ORDER

CRLP.No.5465 of 2026

DISPOSING THE CRIMINAL PETITION