IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 5663 OF 2026

Between:

Jahangeer @ Mohammed Naseer uddin, S/o Mohammed Basheer uddin, aged 56 years, Occ. Mouzzan, R/o H.No.19-2-21/11/11/1, Kala Pather, Hyderabad.

...PETITIONER/ACCUSED No. 7

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. XXXX XXXX XXXX, XXXX XXXX XXXX XXXX XXXX XXXX

...RESPONDENTS/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 against the petitioner/A7 in F.I.R.No.291 of 2026 on the file of P.S. Rajendranagar, Hyderabad.

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 including arrest of the petitioner in F.I.R.No.291 of 2026 on the file of P.S. Rajendranagar, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mohammed Nayeemuddin, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla. 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 HONOURABLE SRI JUSTICE J.SREENIVAS RAO
CRIMINAL PETITION No.5663 of 2026

Date 28.04.2026

Between:
Jahangeer @ Mohammed Naseeruddin

...Petitioner

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in F.I.R.No.291 of 2026 of Rajendranagar, Hyderabad, wherein the petitioner was arrayed as accused No.7 for the offences punishable under Sections 69 and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC and ST (POA) Act).

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

3. With the consent of both the learned counsel, the criminal petition is disposed of at the stage of admission.

4. Learned Additional Public Prosecutor submitted that, pursuant to the order dated 16.04.2026, the concerned officer intimated the victim about the filing of the criminal petition and the listing of the matter on 27.04.2026. In spite of the said intimation, respondent No.2 has not chosen to enter appearance.

5. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and has been falsely implicated in the present crime only on the ground that the petitioner discharged his duties as a Kazi in performing the marriage of the victim and accused No.1. The said allegations do not fall within Section 318(4) of the BNS, hence, the ingredients of the said offence are not attracted against the petitioner. The petitioner never abused the victim in the name of her caste, and the ingredients of Section 69 of the BNS are not attracted against the petitioner. The said allegations are only against accused No.1. He further submitted that the offences under Section 318(4) of the BNS and Section 3(2)(v) of the SC and ST (POA) Act are punishable with imprisonment of less than seven years. The Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') and without following the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh***

Kumar Vs. State of Bihar[1], is proceeding further in the matter and the same is contrary to law.

6. *Per contra*, the learned Additional Public Prosecutor submitted that there are specific allegations against the petitioner to attract the aforesaid offences. However, the offences levelled against the petitioners are punishable with imprisonment of less than seven years. The Investigating Officer will follow the procedure as contemplated under Section 35(3) of the BNSS.

7. By way of reply, learned counsel for the petitioner submitted that the petitioner will appear before the Investigating Officer on or before 09.05.2026, cooperate with the investigation, and submit their reply/explanation along with relevant documents. He further submitted that the Investigating Officer may be directed to follow the due procedure as contemplated under the provisions of the BNSS.

8. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the offences levelled against the petitioner are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the

[1](2014) 8 SCC 273

Investigating Officer intends to follow the procedure as contemplated under Section 35(3) of the BNSS.

9. In view of the same, the petitioner/accused No.7 is directed to appear before the Investigating Officer, on or before 09.05.2026 and on such appearance, the Investigating Officer is entitled to issue notice under Section 35(3) of the BNSS. The petitioner is entitled to submit reply/explanation along with the documents, which are available with him to the Investigating Officer. The Investigating Officer is entitled to strictly follow the procedure as contemplated under the provisions of the BNSS, as well as the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra).

10. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- C DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

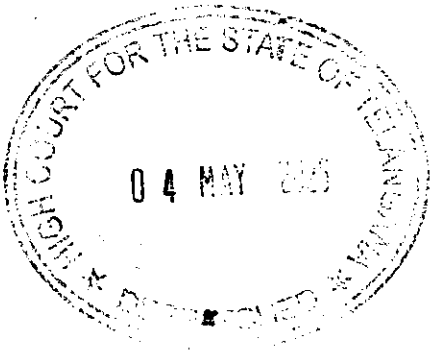
To,

1. The Station House Officer, Rajendranagar Police Station, Hyderabad.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
3. One CC to Sri. Mohammed Nayeemuddin, Advocate [OPUC]
4. Two CD Copies

DL/ABK

HIGH COURT

DATED: 28/04/2026



ORDER

CRLP.No.5663 of 2026

DISPOSING OF THE CRIMINAL PETITION

04/05/26