IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 5801 OF 2026

Between:

Bhaggu Phanish Naidu, S/o.Baggu Hanumantha Rao, Aged about- 36 Yrs, Occ- Business, R/o.H.No.6-1-133/25, First Floor, Brookband Colony,Padma Rao Nagar, Secunderabad.

...Petitioner/Accused No.6

AND

1. The State of Telangana, rep by its Public Prosecutor, High Court for the State of Telangana At Hyderabad.
2. Smt. Gudupalli Bhargavi, W/o.Gudupalli Srikanth, Age 27 years, Occ- House wife, Vinayaka Nagar, Neredmet, Malkajgiri-7569200747.

...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/Accused No.6 in Cr.No.291 of 2026 Neredmet Police station, Malkajgiri Commissionerate for the offences punishable U/sec. 294(b), 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 to stay of all further proceedings including the arrest of the Petitioner/Accused No.6 in Cr.No.291 of 2026 Neredmet Police station, Malkajgiri Commissionerate for the offences punishable U/sec. 294(b), pending disposal of the above 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 Veera Babu Gandu, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, 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.5801 of 2026

Date: 17.04.2026

Between:

Bhaggu Phanish Naidu

...Petitioner/Accused No.6

AND

The State of Telangana 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 No.6 seeking to quash the proceedings in Crime No.291 of 2026 of Neredmet Police Station, Malkajgiri Commissionerate, registered for the offences punishable under Section 249(b) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'the BNS').

2. With the consent of both the learned counsel, this Criminal Petition is disposed of at the stage of admission.

3. Heard Mr. Veera Babu Gandu, learned counsel for the petitioner, and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for respondent No.1.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and has been falsely implicated in the present crime. There are no specific allegations levelled against the petitioner. Even according to the Remand Case Diary, the only allegation against the petitioner/accused No.6 is that he advised the other accused not to appear before the police station and assured them that he would arrange bail for them. The said allegation does not attract the ingredients of the offence under Section 294(b) of the BNS. The offences leveled against the petitioner 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. Hence, the continuation of proceedings against the petitioner is a clear abuse of process of law.

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[1](2014) 8 SCC 273

5. *Per contra,* the learned Additional Public Prosecutor submitted that there is conspiracy between the petitioner/accused No.6 and other accused and that the Investigating Officer issued notice under Section 35(3) of the BNSS to accused Nos.4 and 5 and the Investigating Officer will follow the same procedure in respect of petitioner/accused No.6 also and he is entitled to submit his grievance/reply before the Investigating Officer along with relevant documents. Whether the petitioner has committed the offence or not, has to be revealed during the course of investigation, especially when the investigation is under progress.

6. Having considered the rival submissions made by the respective parties and upon perusal of the Remand Case Diary, it reveals that the offences leveled against petitioner/accused No.6 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 accused Nos.4 and 5. In view of the same, petitioner/accused No.6 is entitled to submit his reply to the notice by enclosing all relevant documents. The Investigating Officer is further directed to scrupulously follow the procedure as contemplated under the provisions of the BNSS, 2023.

7. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

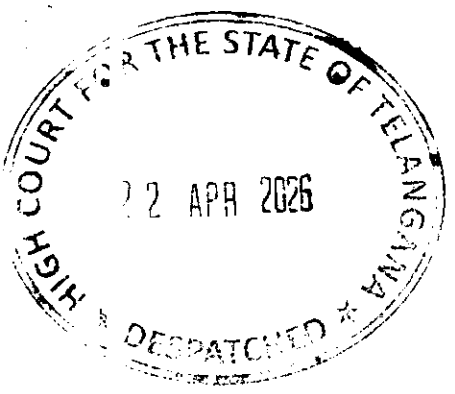
To,

1. The I Additional Junior Civil Judge-cum-I Additional Judicial Magistrate of First Class, Medchal – Malkajgiri District at Kushaiguda
2. The Station House Officer, Neredmet Police Station, Malkajgiri
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri Veera Babu Gandu, Advocate [OPUC]
5. Two CD Copies

ABK /KA

HIGH COURT

DATED: 17/04/2026



ORDER

CRLP.No.5801 of 2026

DISPOSING OF THE CRIMINAL PETITION

(8) NT
22/4/26