IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 5959 OF 2026

Between:

Thumolla Dattatri, S/o. Muthanna, Age. 46 years, Occ. Municipal Chair Person of Bhainsa Town and Farmer, R/o. H.No.1-1-97, Ganesh Nagar, Bhainsa, Nizamabad District, Telangana.

...Petitioner/Accused No.7

AND

1. The State of Telangana, Rep. by the it's Public Prosecutor, High Court at Hyderabad (Through SHO, Armoor, Nizamabad)
2. B. Manoj Kumar, S/o. Not known, Age. not known, Occ. SI of Police, P.S., Bodhan Town, Nizamabad district, Telangana.

...Respondent/De-facto 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 FIR No.149 of 2026on the file of P.S.,Bhodan Town, Nizamabad District, as against the petitioner/A.7, 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 all further proceedings against the petitioner/A.7, consequent to issuance of FIR No.149 of 2026 by P.S., Bhodan Town, Nizamabad District, including taking any coercive steps, pending disposal of this Criminal 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 Vinod Kumar Deshpande representing Ms. A. Tejaswi, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of Respondent No.1 and of 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.5959 of 2026

Date: 20.04.2026

Between:
Thumolla Dattatri

...Petitioner

AND

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

...respondents

ORDER

This Criminal Petition is filed seeking to quash the proceedings in F.I.R.No.149 of 2026 of Bodhan Town Police Station, Nirmal District, wherein, the petitioner was arrayed as accused No.7, for the offences punishable under Sections 318 (4), 61(2), 346(2), 111 r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS'), 66D of the Information Technology Act, 2008 and Sections 3 and 4 of the Telangana Gaming Act, 1974.

2. Heard Mr. Vinod Kumar Deshpande, learned Senior Counsel representing Ms. A.Tejaswi, learned counsel for the petitioner and Mr.V.Jithendar Rao, learned Additional Public Prosecutor for respondent No.2.

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

4. Learned counsel for the petitioner submits that the petitioner has not committed the alleged offence and has been falsely implicated in the present case. Respondent No.2 lodged the present complaint due to the political rivalry between the petitioner and the members of other political party. Even according to the allegations made in the complaint, the ingredients of the offences under Section 111 of BNS are not attracted against the petitioner on the ground that the petitioner is not an accused in another two crimes. As on today, only one charge sheet has been filed against the petitioner and the ingredients under Section 111 are not attracted. He further submitted that the offences alleged against the petitioners 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*** implicated the petitioner as accused for the offence under Section 111 of the BNS. He further submitted that the petitioner was not present at the scene of offence. Hence, continuation of the proceedings against the petitioner is a clear abuse of the process of law.

5. *Per contra*, learned Additional Public Prosecutor submitted that whether the petitioner has committed any offence or not, the same has to be revealed during the course of investigation especially investigation is

under progress. At this stage, the petitioner is not entitled to seek quashing of the proceedings.

6. It is very much relevant to extract Section 111 and explanation 2 of BNS which reads as under:

> *(1) Any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence, cyber-crimes, trafficking of persons, drugs, weapons or illicit goods or services, human trafficking for prostitution or ransom, by any person or a group of persons acting in concert, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence, threat of violence, intimidation, coercion, or by any other unlawful means to obtain direct or indirect material benefit including a financial benefit, shall constitute organised crime.*
>
> *(ii) "continuing unlawful activity" means an activity prohibited by law which is a cognizable offence punishable with imprisonment of three years or more, undertaken by any person, either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge-sheets have been filed before a competent Court within the preceding period of ten years and that Court has taken cognizance of such offence, and includes economic offence;*

7. The above said provision clearly reveals that if against the petitioner, more than one charge sheet has been filed before competent Court, then only the ingredients for the offence under Section 111 of BNS are attracted. Even according to the parties, as on today, only one charge sheet has been filed against the petitioner in C.C.No.262 of 2023 on the file of the I Additional Junior Civil Judge-cum-I Additional Judicial Magistrate of First Cass at Nirmal and the same has not been disputed by the learned Additional Public Prosecutor. Hence, this Court is of the prima facie view that ingredients for the offence under Section

111 of BNS are not attracted. In respect of other offences, the imprisonment for the said offences is less than seven years. According to the parties, Investigating Officer had issued notice under Section 35(3) of the BNSS to some of the accused. **Hence,the Investigating officers is directed to follow the procedure as contemplated under section 35(3) of the Bharatiya Nagarik Suraksha Sanhita,2023(for short,'BNSS'),and follow the guidelines issued by the Hon'ble Apex court in Arnesh Kumar vs State of Bihar[2]''**

8.Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

Note : This order is Amended as per court order dated 24.04.2026 in I.A.No.3 of 2026 in CRLP.No.5959 of 2026.

The Judgment dated 20.04.2026 in CRLP.No.5959 of 2026, the Paragraph No.7th, last Line has been replaced as per court order.

SD/- OSMAN ALI BAIG,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

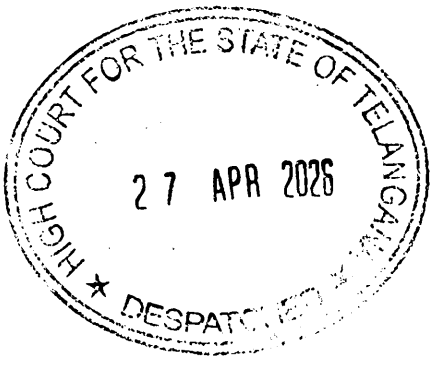
To,

1. The Station House Officer, Bodhan Town Police Station, Nizamabad
2. One CC to Ms. A. TEJASWI, Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
4. Two CD Copies

ADK

HIGH COURT

DATED: 20/04/2026



ORDER

CRLP.No.5959 of 2026

DISPOSING OF THE CRLP

MBC
25/4