[3303]

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6397 OF 2026

Between:

Mukesh Panwar,, S/o.Poonam Chand Panwar, Aged about 55 years, Occ: Business, R/o.H.No.4-2-322, Sultan Bazar, Hyderabad.

...Petitioner/Accused No.2

AND

1. The State of Telangana, Rep.by the Public Prosecutor, High Court of Telangana, At Hyderabad.
2. P.Jangaiah Goud, Occ: Sub-Inspector of Police, Chikkadpally Police Station, Hyderabad District.

...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 FIR No.116 of 2026 of P.S. Chikkadpally, Hyderabad District dated 7-4-2026 as against the petitioner / Accused No.2 as abuse of process of law.

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 grant stay all further proceedings including arrest of the petitioner / Accused No.2 in FIR No.116 of 2026 of P.S. Chikkadpally, Hyderabad District dated 7-4-2026 pending disposal of the Criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Rahul Bhati, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the Additional Public Prosecutor on behalf of the Respondents.

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.6397 of 2026

Date 24.04.2026

Between:
Mukesh Panwar

...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.116 of 2026 of Chikkadpally Police Station, Hyderabad, wherein the petitioner was arrayed as accused No.2 for the offences punishable under Sections 274 and 318(4) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr.Rahul Bhai, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondents.

3. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and has been falsely implicated in the present case Even according to the

allegations made in the complaint, the ingredients for the offences under Sections 274 and 318(4) r/w 3(5) of the BNS. Hence, the Continuation of proceedings against the petitioner is a clear abuse of process of law. He further submitted that the offences alleged against the petitioners 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.

4. In support of his contention, learned counsel for the petitioner relied upon the principle laid down by the Hon'ble Apex Court in ***Ram Nath v. State of Uttar Pradesh and others***[2].

5. *Per contra*, the learned Additional Public Prosecutor submitted that there are specific allegations levelled against the petitioner, namely that the petitioner, along with other accused, adulterated food products, and the ingredients of the said offences are attracted against the petitioner. Whether the allegations levelled

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[1](2014) 8 SCC 273
[2] (2024) 3 SCC 502

in the complaint are true or not has to be revealed during the course of investigation, especially as the investigation is still in progress. However, the learned Additional Public Prosecutor fairly submitted that the offences alleged against the petitioner are punishable with imprisonment of less than seven years, and the Investigating Officer has already issued notice under Section 35(3) of the BNSS to accused No. 1. He further submitted that the Investigating Officer will follow the same procedure in respect of the petitioner herein.

6. By way of reply, learned counsel for the petitioner submitted that the petitioner will appear before the Investigating Officer, cooperate with the investigation, and submit his reply/explanation along with relevant documents.

7. 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 Investigating Officer had already issued notice under Section 35(3)

of the BNSS to accused No.1 and the Investigating Officer will follow the same procedure in respect of the petitioner.

8. In view of the same, the petitioner/accused No.2 is directed to appear before the Investigating Officer, on or before 03.05.2026, 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).

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IX Additional Chief Judicial Magistrate at Hyderabad.
2. The Station House Officer, Chikadpally Police Station, Hyderabad.

3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Rahul Bhati, Advocate [OPUC]
5. Two CD Copies

CA/KA,

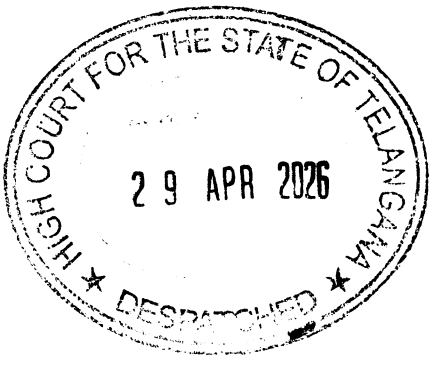
Sa/KA

HIGH COURT

DATED: 24/04/2026

ORDER

CRLP.No.6397 of 2026



DISPOSING OF THE CRIMINAL PETITION