[3303]

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY NINTH DAY OF APRIL TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6801 OF 2026

Between:

Mahesh Narayan Bollamwar @ Bollamwar Shankar, S/o. Narayan, Aged about 36 Yrs, Occ. Business R/o.Devi Galli, Patel Nagar, Dharmabad, Nanded District Maharashtra

...PETITIONER/ACCUSED No.9

AND

1. The State Of Telangana, Through its Public Prosecutor, High Court of Telangana.
2. M.Gangadhar, S/o Lingam Age. 36 yrs, Occ. Police Officer, R/o.Nizamabad North, Nizamabad

...RESPONDENTS/DE-FACTO COMPLAINANT

Petition under Section 528 of B.N.S.S. 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 9 in Crime FIR No.66 of 2025 of P.S. Nizamabad VTN, Nizamabad in the interest of justice

I.A. NO: 2 OF 2026

Petition under Section 482 of Cr.P.C 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 taking any coercive steps/arrest of the Petitioner/Accused no 9 in FIR No.66 of 2025 of P.S. Nizamabad VTN, Nizamabad, 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 Mr. Vinod Kumar Deshpande, Senior Counsel representing Mrs. A. Tejaswi, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent Nos.1 and 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.6801 of 2026

Date: 29.04.2026

Between:
Mahesh Narayan Bollamwar @ Bollamwar Shankar

...Petitioner

AND

The State of Telangana and another

...respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.9, seeking to quash the proceedings in F.I.R.No.66 of 2025 of Nizamabad V Town Police Station, Nizamabad District, for the offences punishable under Sections 318 (4), 316(2), 61(2) and 111 r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS'), Sections 3 and 4 of the Telangana State Gaming Act, 1974 (for short 'TSGA') and 66-D and 69 of the Information Technology Act, 2008(for short 'IT Act').

2. Heard Mr. Vinod Kumar Deshpande, learned Senior Counsel representing Ms. A.Tejaswi, learned counsel for the petitioner, and Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent Nos.1 and 2.

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

4. Learned Senior Counsel for the petitioner submits that the petitioner has not committed the alleged offences 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 offence under Section 111 of BNS are not attracted against the petitioner on the ground that as on today, except this crime, no other case is pending against the petitioner. However, 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], implicated the petitioner as an accused for the offence under Section 111 of the BNS. He further submitted that the other offences alleged against the petitioner are punishable with imprisonment of less than seven years. He further submitted that, subsequent to the filing of the present criminal petition, the father of the petitioner died on 28.04.2026, and he has placed a copy of the death certificate on record. Hence, the

[1](2014) 8 SCC 273

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. Hence, 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 more than one charge sheet has been filed before competent Court against the petitioner, then only the ingredients of the offence under Section 111 of BNS are attracted. Even according to the parties, as on today,

except this crime. no other case is pending against the petitioner. Hence, this Court is of the *prima facie* view that ingredients of the offence under Section 111 of BNS are not attracted. In respect of the other offences levelled against the petitioner, the imprisonment is less than seven years.

8. During the course of hearing, it is brought to the notice of this Court that the Investigating Officer had issued notice under Section 35(3) of the BNSS to some of the accused. Hence, the Investigating Officer is directed to follow the procedure contemplated under Section 35(3) of the BNSS and follow the guidelines issued by the Apex Court in ***Arnesh Kumar*** (supra).

9. Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- M.JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Nizamabad V TN, Nizamabad District.
2. One CC to Mrs. A. Tejaswi, Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
4. Two CD Copies

BA/ABK

HIGH COURT

DATED: 29/04/2026

ORDER

CRLP.No.6801 of 2026



DISPOSING OF THE CRIMINAL PETITION

29/4/26