IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6867 OF 2026

Between:

1. Mohd Shabbir, S/o Late Mohd Siddique Sab, Aged about.60, Occ. Inspector of police CRPF R/O 18-2-43/3/151/A, GM Colony, Chandrayangutta, Hyderabad. **A-2**
2. Razia Sultana, W/o Mohammed Abdul Nayeem Sab, Aged about. 55 years, Occ. House Wife, R/o 18-2-45/A/79, Ghazi-E- Millat Colony, Chandrayangutta, Hyderabad. **A-3**
3. Abdul Aleem, S/o Mohammed Abdul Nayeem, Aged about.27 years, OCC. Private Employee, R/o 18-2-45/A/79, Ghazi-E- Millat Colony, Chandrayangutta, Hyderabad. **A-4**
4. Rehana Begum, W/o Abdul Samad, Aged about. 48 years, Occ. House Wife, R/o 18-2-45/A/79, Ghazi-E- Millat Colony, Chandrayangutta, Hyderabad. **A-5**
5. Tahmina Fatima, D/o Abdul Samad, Aged about.24 Occ. House hold, R/o H.NO. 18-1-356 / 55, Talla Kunta, Chandrayangutta, Hyderabad. **A-7**
6. Umar Farooq, S/o Late Mohd Khaizer Ali Sab, Aged about. 37, Occ. Private employee, R/o H.No. 18-2-45/A/20/A/1, G. M. Colony, Chandrayangutta, Hyderabad. **A-8**
7. Neha Fatima, W/o Mohammed Khaleel Siddiqui Aged about. 26 years, Occ. House Wife, R/o H.No. 18-2-45/A/79, Ghazi-E- Millat Colony, Chandrayangutta, Hyderabad. **A-9**

...Petitioners/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, Hyderabad.
2. Afshan Jabeen, W/o Mohammed Khaleel Siddiqui, Aged about.37, Occ. House wife, R/o 18-2-45/A/79, Ghazi-E- Millat Colony, Chandrayangutta. Hyderabad

...Respondents/Complainants

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 impugned proceedings in FIR No. 84 of 2026 on the file of the Santosh Nagar Police Station, Hyderabad, District.

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 of all further proceedings in FIR No. 84 of 2026 on the file of the Santosh Nagar Police Station, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mirza Mahmood Alibaig, Advocate for the Petitioners and the Sri 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.6867 of 2026

Date: 30.04.2026

Between:

Mohd Shabbir and six others

...Petitioners

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in FIR No.84 of 2026 of WPS South Zone, Hyderabad, wherein the petitioners were arrayed as accused Nos.2 to 5 and 7 to 9, for the offences punishable under Sections 85 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard Mr.Mirza Mahmood Ali Baig, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for the respondent No.1 – State.

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

4. Learned counsel for the petitioners submitted that the petitioners have not committed the alleged offences and have been falsely implicated in the present crime solely on the ground that they are family members of accused No.1, by making omnibus allegations. Respondent No.2 herself left the matrimonial house of accused No.1 in the month of February, 2026, and thereafter filed the present complaint. Respondent No.2 and accused No.1 never lived with the petitioners, and the petitioners never harassed respondent No. 2 for additional dowry. Even according to the allegations made in the complaint, the ingredients of Sections 85 and 351(2) of the BNS and Sections 3 and 4 of the DP Act, 1961 are not attracted against the petitioners. Hence, the continuation of proceedings against the petitioners is a clear abuse of process of law.

4.1. He further submitted that the offences levelled against the petitioners are punishable with imprisonment for a term of less than seven years and the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS"), as well as the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar***

v. ***State of Bihar***[1], is proceeding with the matter, which is contrary to law.

5. *Per contra*, the learned Additional Public Prosecutor submitted that there are specific allegations against the petitioners regarding harassment of respondent No.2, including demands for additional dowry along with accused No.1, and statements of witnesses have already been recorded. He further submitted that the offences levelled against the petitioners are punishable with imprisonment of less than seven years and the Investigating Officer intends to follow the procedure contemplated under Section 35(3) of the BNSS.

6. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it appears that the offences levelled against the petitioners are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the investigation is under progress and the Investigating Officer intends to follow the procedure prescribed under the provisions of Section 35(3) of the BNSS.

7. Taking into consideration the above submissions, the Investigating Officer is directed to scrupulously follow the procedure

[1] (2014) 8 SCC 273

prescribed under the provisions of Section 35(3) of the BNSS and the guidelines issued by the Apex Court in ***Arnesh Kumar*** (supra). It is made clear that the petitioners are entitled to put forth their grievance after receiving notice under Section 35(3) of the BNSS by raising all the grounds and submit the documents which are available with them to the Investigating Officer.

8. Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- C DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

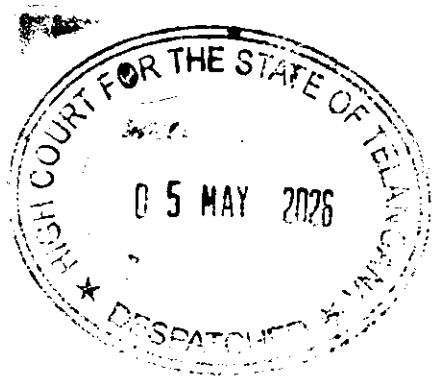
To,

1. The XV Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, WPS South East Zone (Hyderabad), Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri Mirza Mahmood Alibaig, Advocate [OPUC]
5. Two CD Copies

DL/ABK

HIGH COURT

DATED: 30/04/2026



ORDER

CRLP.No.6867 of 2026

DISPOSING OF THE CRIMINAL PETITION

8 Kpr 5/5/26