IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE SEVENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 14975 OF 2026

Between:

Zaheed Alias Syed Hussain, S/o. Syed Jaffar Hussain, Aged about 22 Years, Occ: Job R/o. H.No. 10-4-602, Pochamma Basti, Headquarters, Humayun Nagar, Asif Nagar, Hyderabad -500028

...Petitioner/Accused 4

AND

1. The State of Telangana, Humayun Nagar PS, rep. by Public Prosecutor, High Court of Telangana at Hyderabad

(Complainant)

2. Abdul Sahil, S/o Abdul Ahmed, Aged about 20years, Occ: Private Employee R/o H.No. 8-2-740/4, Bhola Nagar, Banjarahills, Hyderabad.

(Defacto Complainant)

...Respondents

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 FIR in Crime No.93 of 2024 register under Sections 341, 382, 323, 506 read with 34 IPC on the file of Humayun Nagar Police Station, Hyderabad, so far as against the petitioner/ accused No.4.

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 including appearance of petitioner/ accused No. 4 in FIR in Crime No.93 of 2024 register under Sections 341, 382, 323, 506 read with 34 IPC on the file of Humayun Nagar Police Station, Hyderabad, pending disposal of main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Manoj Kumar Akula, Advocate for the Petitioner and 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.14975 of 2026

CNR.No. HBHC010306252026

Date: 07.10.2026

Between:
Zaheed alias Syed Hussain

...Petitioner

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition is filed seeking to quash the proceedings in FIR No.93 of 2024 of Humayun Nagar Police Station, Hyderabad, wherein the petitioner were arrayed as accused No.4, for the offences punishable under Sections 341, 382, 323, 506 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. Heard Mr.Manoj Kumar Akula, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. Learned counsel for the petitioner submitted that the petitioner has not committed any of the alleged offence and has been falsely implicated in the present crime by making omnibus allegations. Even according to the allegations made in the complaint, the ingredients of Sections 341, 382, 323, 506 r/w 34 of the IPC are not attracted against the petitioner. He further submitted that the only allegation levelled against the petitioner is that at the request of accused Nos.1 and 2, the petitioner accompanied them to the place of occurrence, where he allegedly beat and threatened LW.1.

4.1. He further submits that the offences levelled against the petitioner are punishable with imprisonment of less than seven years and the Investigating Officer, without following the procedure contemplated under Section 41-A of the Cr.P.C., 1973/Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') and 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.

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[1](2014) 8 SCC 273

5. *Per contra*, the learned Additional Public Prosecutor submits that there are specific allegations levelled in the complaint against the petitioner to attract the ingredients of Sections 341, 382, 323, 506 r/w 34 of the IPC. Whether the allegations levelled in the complaint are true or not the same has to be revealed during the course of investigation especially the investigation is under progress. The petitioner is not entitled to seek quashment of the proceedings against him at this stage. However, since the offences alleged against the petitioner are punishable with imprisonment of less than seven years, the Investigating Officer intends to follow the procedure contemplated under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar (supra)***. Further, learned Additional Public Prosecutor submits that accused Nos.1 to 3 have already been arrested and enlarged on bail. However, the petitioner is avoiding receipt of notice under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS and is not cooperating with the investigation since the date of registration of crime i.e., 04.03.2024.

6. By way of reply, learned counsel for the petitioner submitted that petitioner will cooperate with the investigation, and submit his

reply/explanation along with relevant documents. He further submitted that the Investigating Officer may be directed to follow the due procedure as contemplated under the provisions of the BNSS.

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the offences levelled against petitioner are punishable with imprisonment of less than seven years. The allegation levelled against the petitioner is that at the instance of accused Nos.1 and 2, he threatened LW.1 and forcibly took away his mobile phone. On a *prima facie* consideration of the allegations, the ingredients of the offences punishable under Sections 341, 382, 323 and 506 read with Section 34 of the IPC does not attract against the petitioner. Even according to the learned Additional Public Prosecutor, the Investigating Officer will follow the procedure contemplated under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in ***Arnesh Kumar*** (supra).

8. Taking into consideration the peculiar facts and circumstances of the case, the petitioner is directed to appear

before the Investigating Officer on or before 17.10.2026 and the Investigating Officer is directed to follow the procedure contemplated under Section 41-A of the Cr.P.C./ Section 35(3) of the BNSS and follow the guidelines issued by the Apex Court in ***Arnesh Kumar*** (supra). It is needless to mention that the petitioner is entitled to put forth his grievance, if any, upon receipt of notice under Section 41-A of the Cr.P.C./ Section 35(3) of the BNSS, and produce all documents available with him before the Investigating Officer. The petitioner shall also cooperate with the investigation.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/-C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VI Additional Chief Metropolitan Magistrate at Hyderabad.
2. Station House Officer Police Station Humayun Nagar, Hyderabad.
3. One CC to Sri Manoj Kumar Akula, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

BA/GNK

HIGH COURT

DATED: 07/10/2026



ORDER

CRLP.No.14975 of 2026

DISPOSING OF THE CRIMINAL PETITION

(8)
PVL
15/10/2026