IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16173 OF 2026

Between:

1. Md. Shaker Hussain alias Saker, S/o Md. Zahed Hussain, Aged about 26 years, Occ. Business, R/o H.No.3-3-5/101, Sagar Road, Peddapalle, Telangana - 505172.
2. Md. Jaheer alias Jahir, S/o Md. Jahid Hussain, Aged about 36 years, Occ. Business, R/o H.No.3-3-44/1, Sagar Road, Peddapalle, Telangana - 505172.

...PETITIONERS/ACCUSED NO.1 AND 2

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, at Hyderabad.
2. Akula Sravan, S/o Kishan, Aged about 28 years, Occ. Business, R/o Wadukapoor Village, Julapalli Mandal, Peddapalli District, Telangana.

...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 call for the records pertaining to Crime No.240 of 2026, dated 25.09.2026, on the file of Peddapalli Police Station, Ramagundam Commissionerate, and quash the same insofar as the petitioners / Accused No.1 and 2 are concerned.

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 the arrest of the Petitioners/Accused Nos.1 and 2, in relating to Crime No.240 of 2026 dated 25.09.2026, on the file of Peddapalli Police Station, Ramagundam Commissionerate.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri KATIKA RAVINDER REDDY, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the Addl. Public Prosecutor on behalf of the Respondent No.1 and none appeared on behalf of 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.16173 of 2026
(CNR No. HBHC010673432026)

Date: 01.10.2026

Between:
Md.Shaker Hussain @ Saker and another
...Petitioners/Accused Nos.1 and 2

AND

The State of Telangana and another
...Respondents

ORDER:

This Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS') by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings in Crime No.240 of 2026 of Peddapalli Police Station, Ramagundam District, registered for the offences punishable under Sections 137, 115(2) and 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

2. Heard Mr. K.Ravinder Reddy, learned counsel for the petitioners, and Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor

for respondent No.1. With their consent, this criminal petition is disposed of at the stage of admission.

3. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they have been falsely implicated in the present crime. Even according to the allegations levelled in the complaint, the ingredients of the offence under Sections 137, 115(2) and 351(2) r/w 3(5) of the BNS are not attracted. Respondent No.2 in his complaint specifically mentioned that the petitioners had taken him to the police station and therefore, question of alleged allegation of kidnapping does not arise. Hence, the ingredients of Section 137 of the BNS are not attracted. He further submitted that petitioner No.1 lodged complaint in respect of the very same incident on 25.09.2026 and based on the said complaint, Crime No.241 of 2026 was registered by the S.H.O., Peddapalli Police Station, for the offence under Section 125(1) of the BNS. Hence, continuation of the proceedings against the petitioners is a clear abuse of the process law.

4.1 *Per contra,* the learned Additional Public Prosecutor submitted that there are specific allegations levelled in the complaint that the petitioners had forcibly taken respondent No.2 and the said allegations attract the ingredients of the offence under Section 137 of the BNS and

the investigation is under progress, especially petitioner No.1 lodged the complaint subsequent to the complaint of respondent No.2. Merely on account of the pendency of Crime No.241 of 2026, the petitioners are not entitled to seek quashing of the proceedings. Whether the allegations levelled against the petitioners in the complaint are true or not, the same will be revealed during the course of investigation, especially the investigation is under progress.

4.2 He further submitted that the offences levelled against the petitioners are punishable with imprisonment of less than seven years and the Investigating Officer wants to follow the due procedure as contemplated under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar Vs. State of Bihar**[1], and the petitioners are not cooperating with the investigation.

5. The learned counsel for the petitioners by way of reply submitted that the petitioners will cooperate with the investigation.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that based on the complaint lodged by respondent No.2, the present crime has been registered on 25.09.2026. The record further reveals that petitioner

[1] (2014) 8 SCC 273

No.1 also lodged a complaint on the very same day in respect of the very same incident, and based on the said complaint, Crime No.241 of 2026 has been registered. Even according to the learned Additional Public Prosecutor, both the crimes are pending before the very same police station and the investigation is under progress. The offences levelled against the petitioners are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer wants to follow the very same procedure in respect of the petitioners.

7. Taking into consideration the peculiar facts and circumstances of the case and in view of the submissions made by the learned Additional Public Prosecutor, the petitioners/accused Nos.1 and 2 are directed to appear before the Investigating Officer on or before 13.10.2026 and on such appearance, the Investigating Officer is directed to scrupulously follow the due procedure as contemplated under the provisions of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** (supra). The petitioners shall cooperate with the investigation. It is needless to mention that the petitioners are entitled to put forth their grievance before the Investigating Officer by raising all the pleas which

are available to them and they are also entitled to submit the documents, which are in their custody.

8. With the above directions, 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 Judicial Magistrate of First Class, Peddapalli.
2. The Station House Officer, Peddapalli Police Station, Ramagundam Commissionerate
3. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. KATIKA RAVINDER REDDY Advocate [OPUC]
5. Two CD Copies

TPK/GNK

HIGH COURT

DATED: 01/10/2026

ORDER

CRLP.No.16173 of 2026



CRIMINAL PETITION IS DISPOSED OF

7/10/2026

8 Copies