IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16133 OF 2026

Between:

1. Tavva Srinivasulu, S/o. T. V. Naidu, Aged about. 60 years, Occ. Business, R/o. Botanical Garden, Kondapur, Hyderabad, Telangana.
2. Smt. Chandana, D/o. Tavva Srinivasulu, Aged about. 29 years, Occ. Business, R/o. Botanical Garden, Kondapur, Hyderabad, Telangana.
3. Sri Bharath, S/o. Ram Chander, Aged about. 29 years, Occ. Business, R/o Botanical Garden, Kondapur, Hyderabad, Telangana.

...Petitioner/Accused Nos.1 to 3

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, at Hyderabad. (through SHO, Economic Offences Wing Police Station)
2. Korimilli Raj Kumar, S/o Durga Prasad Korimilli, Aged about 41 years, Occ. Business, R/o Flat No.1301, I-Block, Aparna Serene Park, Masjid Banda, Serilingampally, Ranga Reddy District, Telangana.

...Respondents/De-facto 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.102 of 2026 on the file of Economic Offences Wing Police Station, Cyberabad, and also the consequential proceedings if any, as against the petitioners/A.1 to A.3, in the interest of justice.

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 as against the petitioners/A.1 to A.3 relating to FIR No.102 of 2026 on the file of Economic Offences Wing Police Station, Cyberabad, pending disposal of this Criminal Petition, in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Vinod Kumar Deshpande representing Sri T Venkata Anirudh, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of Respondent No.1 and none appeared for 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.16133 of 2026

CNR.No.HBHC010642052026

Date: 06.10.2026

Between:
Tavva Srinivasulu and two others

...Petitioners

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1 to 3 seeking to quash the proceedings in Crime No.102 of 2026 of EOW Cyb Police Station, Cyberabad, for the offences punishable under Sections 318(4) and 316(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Mr.Vinod Kumar Deshpande, learned Senior Counsel representing Mr.T.Venkata Anirudh, learned counsel for

the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

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

4. The learned counsel for the petitioners submitted that the petitioners have not committed the alleged offences and have been falsely implicated in the present crime. He further submitted that there was no dishonest intention on the part of the petitioners, nor was there any criminal breach of trust, cheating, diversion of funds, or conspiracy, as alleged in the complaint. The allegations levelled in the complaint are purely civil in nature and arise out of a Memorandum of Understanding entered into between petitioner No.1 and respondent No.2, particularly in relation to a commercial transaction. He further submitted that, if any of the terms and conditions stipulated in the Memorandum of Understanding were violated by petitioner No.1, respondent No.2 ought to have approached the competent forum for appropriate relief. Instead, respondent No.2 has lodged the

present complaint by giving a criminal colour. He further submitted that the offences punishable under Sections 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS"), are not attracted against the petitioners and both the offences cannot go together, in view of the principle laid down by the Hon'ble Apex Court in **Delhi Race Club (1940) Ltd. & Ors vs. State of Uttar Pradesh & Anr**[1].

4.1. He further submitted that, in respect of petitioner No.1, the Investigating Officer issued a notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS"), pursuant to which petitioner No.1 submitted a reply. However, the Investigating Officer has not followed the same procedure in respect of petitioner Nos.2 and 3. He further submitted that, despite petitioner No.1 having submitted a reply to the notice issued under Section 35(3) of the BNSS, the Investigating Officer is insisting upon the personal presence of petitioner No.1, and the same is contrary to law.

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[1] (2024) 10 SCC 690

5. *Per contra*, the learned Additional Public Prosecutor submitted that specific allegations have been levelled in the complaint that the petitioners acted with dishonest intention from the inception, induced respondent No.2, and diverted the funds. Whether the allegations levelled in the complaint are true or not has to be ascertained during the course of investigation, particularly when the investigation is still in progress. Therefore, the petitioners are not entitled to seek quashing of the proceedings against them at this stage. However, since the offences alleged against the petitioners are punishable with imprisonment of less than seven years, the Investigating Officer has already issued a notice under Section 35(3) of the BNSS to petitioner No.1. He further submitted that the Investigating Officer intends to follow the same procedure in respect of petitioner Nos.2 and 3 and the petitioners shall cooperate with the investigation.

6. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the offences alleged against the petitioners

are punishable with imprisonment of less than seven years. It is not in dispute that the dispute between petitioner No.1 and respondent No.3 arose out of a Memorandum of Understanding entered into between them. Whether the allegations levelled in the complaint are true or not has to be revealed during the course of investigation. Even according to the learned Additional Public Prosecutor, the Investigating Officer had already issued notice under Section 35(3) of the BNSS to the petitioner No.1 and intends to follow the very same procedure in respect of petitioner Nos.2 and 3.

7. Taking into consideration the peculiar facts and circumstances of the case and the submissions made by the respective parties, the Investigating Officer, is directed to follow procedure prescribed under Section 35(3) of the BNSS and follow the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***[2], in respect of petitioners and petitioner Nos.2 and 3 are entitled to put forth their grievance, if any, upon receipt of notice under Section 35(3) of the BNSS, and

[2](2014) 8 SCC 273

produce all documents available with them before the Investigating Officer. The petitioners shall also cooperate with the investigation.

8. 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 Principal Junior Civil Judge cum Metropolitan Magistrate, Ranga Reddy District at L.B.Nagar
2. The Station House Officer, Economic Offences Wing Police Station, Cyberabad
3. One CC to SRI. T VENKATA ANIRUDH, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

ADK/GNK

HIGH COURT

DATED: 06/10/2026



ORDER

CRLP.No.16133 of 2026

DISPOSING OF THE CRLP

8 pm
12/10/26