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: 16120 OF 2026

Between:

1. Aman Ullah Shareef, S/o Late Manor Shareef, Aged about 53 years, Occ . Business R/o.H.No.20-3-396, Moosabowli Hussainialam, Hyderabad.
2. Ahmed Aslam Ullah Shareef, S/o.Ahmed Akram Ullah Shareef, Aged about 25 years, Occ.Advocate R/o.H.No.20-3-396, Moosabowli Hussainialam, Hyderabad.
3. Mohammed Mukram Ullah Shareef, S/o.Akramullah Shareef, Aged about 20 years, Occ. Student R/o.H.No.20-3-396, Moosabowli Hussainialam, Hyderabad.

...Petitioner/Accused No. 2, 4 & 6

AND

1. The State of Telangana, Through Hussaini Alam P.S. Hyderabad, Rep. by its Public Prosecutor, High Court at Hyderabad. **...Respondent**
2. Kum.G.Priyanka, Occ.Sub Inspector of Police Hussainialam Police Station, Hyderabad.

...Respondent/Defacto-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 Criminal Proceedings in Charge Sheet as against the Petitioners/Accused No.2, 4 and 6 in C,C.No.528 of 2024 pending on the file of Chief Metropolitan Magistrate at Nampally, Hyderabad.

I.A. NO: 1 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 including the appearance of the

Petitioners/Accused No.2. 4 and 6 in Charge Sheet in C.C.No.528 of 2024 pending on the file of Honourable Chief Metropolitan Magistrate at Nampally, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C Hari Preeth, Advocate for the Petitioners and the Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1.

The Court made the following: ORDER

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.16120 of 2026
(CNR.No. HBHC010674922026)

DATE: 06.10.2026

Between :

Aman Ullah Shareef and two others

....Petitioners/accused Nos.2, 4 & 6

AND

The State of Telangana and another.

....Respondents

: O R D E R :

This Criminal Petition has been filed by the petitioners/accused Nos.2, 4 and 6 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS'), seeking to quash the proceedings in C.C.No.528 of 2024 on the file of the Chief Metropolitan Magistrate at Nampally, Hyderabad.

2. Heard Mr. C. Hari Preeth, learned counsel for the petitioners, and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing on behalf of the respondents.

3. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and have been falsely implicated in the present crime. The petitioners have neither obstructed the duties of respondent No.2 nor caused any

inconvenience to the public. He further submitted that disputes arose between the Congress independent candidates and the active members of the MIM party during the polling conducted at the polling station I connection with the Telangana State Legislative Election 2023. The allegations levelled against the petitioners are absolutely vague and devoid of specific particulars. Mere causing of inconvenience to the public does not attract the ingredients of Section 160 of the Indian Penal Code, 1860 (for short, "IPC"). In support of his contention, he relied upon the principle laid down by the Composite High Court of Andhra Pradesh in **C.Subbarayudu v. State of Andhra Pradesh**[1].

4. The learned Additional Public Prosecutor submits that there are specific allegations levelled in the complaint. Whether the allegations made in the complaint are true or not have to be decided by the trial Court after a full-fledged trial. At this stage, the petitioners are not entitled to seek quashing of the proceedings.

5. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that there are specific allegations against the petitioners that they interfered with the process of voting at the polling station, except alleging that the petitioners and other accused aroused themselves two groups and quarreled by creating public

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[1] 1996 Cri LJ 1472 (AP)

nuisance. The said allegation would not attract the ingredients of the offence under Section 506 of the IPC. The Composite High Court of Andhra Pradesh, in **C.Subbarayudu** (*supra*) held that mere causing of inconvenience to the public would not attract the ingredients of Section 160 of the IPC. Hence, the ingredients of the offences under Sections 160 and 171(C) of the IPC are not attracted against the petitioners.

6. It is pertinent to mention that the law governing the exercise of inherent powers under Section 528 of the BNSS or the extraordinary writ jurisdiction under Article 226 of the Constitution is well settled by the decision of the Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal**[2], wherein the Court illustratively catalogued the categories of cases warranting quashment, such as when the allegations *prima facie* do not constitute an offence, are absurd or inherently improbable, are actuated by mala fides, or where continuance of proceedings would amount to abuse of the process of law. Guided by these principles, and considering that the allegations in the present case do not disclose the essential ingredients of the alleged offences.

7. For the foregoing reasons and the judgments referred to *supra*, this Court is of the considered view that it is a fit case to invoke the

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[2] 1992 Supp (1) SCC 335

Jurisdiction of this Court under Section 528 of the BNSS to quash the proceedings against the petitioners/accused Nos.2, 4 and 6.

8. Accordingly, the Criminal petition is allowed and the proceedings against the petitioners/accused Nos.2, 4 and 6 in C.C.No.528 of 2024 on the file of the Chief Metropolitan Magistrate at Nampally, Hyderabad, are hereby quashed.

Miscellaneous applications, pending if any, shall stand closed.

SD/- B. REKHA RANI
ASSISTANT REGISTRAR

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SECTION OFFICER

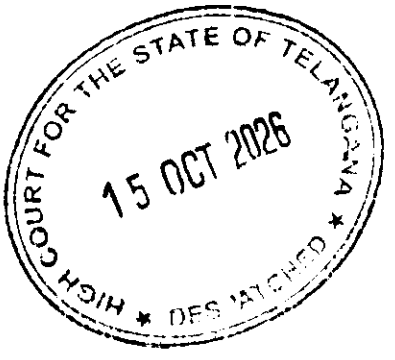
To,

1. The Chief Metropolitan Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Hussainialam Police Station, Hyderabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri C Hari Preeth, Advocate [OPUC]
5. Two CD Copies

DL/GNK

HIGH COURT

DATED: 06/10/2026



ORDER

CRLP.No.16120 of 2026

ALLOWING THE CRIMINAL PETITION

15/10/26