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: 16148 OF 2026

Between:

ABUBAKER BIN SALAM, s/o Late Sri Salam Bin Sayeed, aged 32 years, occ. Private employee, Presently residing at Jebel Ali, Dubai, United Arab Emirates

...Petitioner/Accused No.2

AND

1. The State of Telangana, through Police Station Adilabad-II Town, District. Adilabad, represented by Public Prosecutor, High Court at Hyderabad.

...Respondent/respondent

2. Asma Tabassum, D/o Late Sri Salam Bin Sayeed, w/o Amer Bin Omer Hazrani, aged about 45 years, occ. House wife, r/o H.No.1-6-12-13/2, Sayeedabad colony, Armoor Municipality, Post Armoor, District: Nizamabad-503224.

...Respondent/Complainant/Sister of Petitioner/Accused No.2

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the F.I.R.No. 255 of 2026 dated. 17-04-2026 Police Station Adilabad-II Town, District: Adilabad, against the petitioner/ Accused No.2 herein, for the interest of justice.

I.A. NO: 2 OF 2026

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all further proceedings including the arrest of the petitioner/Accused No.2 in F.I.R.No.255 of 2026 dated. 17-04-2026 Police Station Adilabad-II Town, District: Adilabad, against the petitioner/Accused No.2 herein, pending disposal of main Crl.P. 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 S Chandrashekhar, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the Respondent No.1 and of 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.16148 of 2026
CNR.No. HBHC010677572026
Date 06.10.2026

Between:
Abubaker Bin Salam

...Petitioner

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in FIR No.255 of 2026 of Adilabad-II Town Police Station, Adilabad District, wherein the petitioner was arrayed as accused No.2 for the offences punishable under Sections 318(4), 336(2), 340, 296(b) and 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Mr.S.Chandrashekhar, learned for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

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

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and has been falsely implicated in the present crime by making omnibus allegations. He further submitted that the petitioner was adopted by the parents of respondent No.2 as their adopted son and property disputes are pending between them. In order to resolve the said disputes, respondent No.2 filed the present complaint by giving a criminal colour. He further submitted that the petitioner had not obtained the family member certificate by producing any fake or forged documents, as alleged in the complaint. In particular, the family certificate was issued on the basis of the adoption of the petitioner by the father of respondent No.2 on 13.11.2009, whereas the father of respondent No.2 died on 11.07.2025. Hence, continuation of the proceedings against the petitioner would amount to a clear abuse of the process of law.

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 mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') and without following the 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.

5. *Per contra*, the learned Additional Public Prosecutor submitted that there are specific allegations in the complaint that the petitioner obtained a family member certificate by producing forged and fabricated documents, despite the petitioner not being a family member. 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 35(3) of the BNSS and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar***

[1](2014) 8 SCC 273

(supra). However, the petitioner is avoiding receipt of notice under Section 35(3) of the BNSS and is not cooperating with the investigation.

6. By way of reply, learned counsel for the petitioner submitted that petitioner will cooperate with the investigation, and submithis 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. Even according to the learned Additional Public Prosecutor, the Investigating Officer will follow the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in ***Arnesh Kumar*** (supra).

8. In view of the above, the Investigating Officer is directed to follow the procedure as contemplated under Section 35(3) of the

BNSS and follow the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra). It is needless to mention that the petitioner is entitled to put forth his grievance by raising all the pleas which are available to him and he is also entitled to submit the documents, if any, which are in his custody, to the Investigating Officer.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- K. BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Adilabad-II Town Police Station, Adilabad District.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to S Chandrashekhar, Advocate [OPUC]
4. Two CD Copies

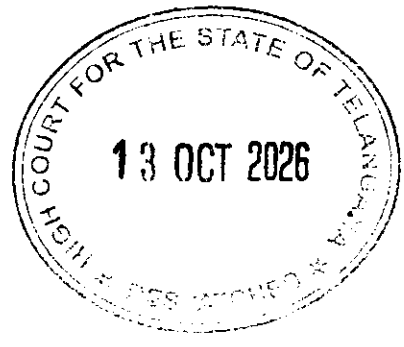
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HIGH COURT

DATED: 06/10/2026

ORDER

CRLP.No.16148 of 2026



DISPOSING OF THE CRIMINAL PETITION

(7) 12/10/26