IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16263 OF 2026

Between:

Malekadi Naresh, S/o. Aged about 23 years, Occ: Agriculture R/o. H.No.22-1, Pedripahad (V), Maddur Mandal, Narayanpet Dist. Telangana.

...Petitioner/Accused No.9

AND

1. The State of Telangana, Through The Station House Officer, PS. Maddur, Narayanpet District, Rep. by The Public Prosecutor, High Court for the State of Telangana.

...Respondent

2. Md. Osman, S/o. Abdul Rahaman, Aged about 57 years, Occ: ASI of Police at Maddur, R/o. Nanacharla Village, Mohammadabad Mandal, Narayanpet Dist.,

...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 Crime No. 253 of 2026 on the file of First Class Judicial Magistrate, at Kosigi, Narayanpet District to the extent of petitioner herein/Accused No.9.

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 arrest of the petitioner herein/Accused No. 9 in Crime No. 253 of 2026 on the file of First Class Judicial Magistrate, at Kosigi, Narayanpet District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B. Shiva Kumar, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondents.

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.16263 of 2026

CNR No. :HBHC010683432026

Date: 05.10.2026

Between:

Malekadi Naresh

...Petitioner

AND

The State of Telangana, and another.

...Respondents

Order

This Criminal Petition is filed seeking to quash the proceedings in FIR No.253 of 2026, on the file of the Maddu Police Station, Narayanpet, wherein the petitioner was arrayed as accused No.9, for the offences punishable under Sections 223, 121 (1), 126 (2) r/w. 3 (5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 3 of Prevention of Damage to Public Property Act, 1984 (for short 'PDPPA').

2. Heard Mr.B.Shiva Kumar, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondents.

3. Learned counsel for the petitioner raised several grounds, but restricted his prayer requesting the Court to direct the Investigating Officer to follow the procedure as contemplated under Section 41-A of the Criminal Procedure Code, 1973 (for short, 'Cr.P.C.')/Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') and also the guidelines formulated by the Apex Court in ***Arnesh Kumar Vs. State of Bihar***[1], since the offences levelled against the petitioner are punishable with imprisonment of less than seven years.

4. Learned Additional Public Prosecutor submitted that the petitioner may be directed to appear before the Investigating Officer, and on such appearance, the Investigating Officer will issue notice under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS. The Investigating Officer will also follow the procedure as contemplated under law.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the respective parties, without expressing any view on the merits of the case, the petitioner/accused No.9 is directed to appear before the Investigating Officer, on or

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[1](2014) 8 SCC 273

before 16.10.2026, and on such appearance, the Investigating Officer is entitled to issue notice 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/accused No.9 is entitled to put forth his grievance upon receipt of the notice under Section 35(3) of the BNSS and is also entitled to submit the documents, if any, which are in his possession.

6. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- A.H.S. GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The First Class Judicial Magistrate, at Kosigi, Narayanpet District.
2. The Station House Officer, Police Station Maddur, Narayanpet District.
3. One CC to Sri B. Shiva Kumar, 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: 05/10/2026

ORDER

CRLP.No.16263 of 2026



DISPOSING OF THE CRIMINAL PETITION

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9/10/26