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: 16376 OF 2026

Between:

Mohd. Azharullah Kazi, S/o. Anwarullah Kazi, aged 32 years, Occupation: Self employed, R/o. H.No.3-5-107/1 Narayanguda, Hyderabad.

...Petitioner/Accused

AND

1. State of Telangana, Rep.by the Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. The Station House Officer, Madhapur Police Station Kavuri Hills-Guttala Begumpet Madhapur, Telangana - 500 033

...Respondents/Complainants

3. K. Tanishq, S/o. K. Srinivas, aged 21 years Occupation: Not known, R/o. H. No.97/A, MLA Colony Hyderabad.

...Respondent No.3/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 call for the records relating to FIR vide Cr. No.794/2026 on the file of Madhapur P.S., Cyberabad District, dated 26-05-2026 registered for the offences under Sec. 126(2), 118(1), 351(2), 352 r/w 3(5) of BNS and quash the same against the Petitioner herein, 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 grant stay of all further proceedings including personal appearance of the Petitioner herein in FIR vide Cr. No.794/2026 on the file of Madhapur P S., Cyberabad District, dated 26-05-2026 registered for the offences under Sec. 126(2), 118(1), 351(2), 352 r/w 3(5) of BNS - pending disposal of the Quash Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Ms. Kalpana Ekbote, Senior Counsel representing Ms. Ayesha Naik, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent Nos. 1 and 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.16376 of 2026

CNR.No. HBHC010685382026

Date: 06.10.2026

Between:
Mohd. Azharullah Kazi

...Petitioners

AND

The State of Telangana and two others

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused seeking to quash the proceedings in Crime No.794 of 2026 of Madhapur Police Station, Cyberabad, for the offences punishable under Sections 126(2), 118(1), 351(2) and 352 r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Ms.Kalpana Ekbote, learned Senior Counsel representing Ms.Ayesha Naik, learned counsel for the petitioner

and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent Nos.1 and 2.

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

4. The learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and has been falsely implicated in the present crime. Even according to the allegations levelled in the complaint, the ingredients of Sections 126(2), 118(1), 351(2) and 352 read with Section 3(5) of the BNS are not attracted against the petitioner. He further submitted that the alleged incident took place on 18.05.2026, whereas respondent No.3 lodged the present complaint only on 26.05.2026, after a delay of more than eight days, and no reason has been assigned for the said delay. Hence, the continuation of the proceedings against the petitioner is a clear abuse of the process of law.

5. *Per contra*, the learned Additional Public Prosecutor submitted that specific allegations have been levelled against the

petitioner in the complaint and the said allegations, prima facie, disclose the commission of cognizable offences. Whether the allegations levelled in the complaint are true or not has to be revealed during the course of investigation, particularly when the investigation is still in progress. Therefore, the petitioner is not entitled to seek quashing 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 has already served notice under Section 35(3) of the BNSS upon the petitioner on 08.06.2026. The petitioner is entitled to put forth his grievance, if any, before the Investigating Officer and is entitled to submit the documents, if any, in his possession. The petitioner, without submitting the same, has approached this Court and filed the present Criminal Petition.

6. The learned counsel for the petitioner submitted that the petitioner has not received any notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') from the Investigating Officer.

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 the petitioner are punishable with imprisonment of less than seven years. 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 on 08.06.2026, which was disputed by the learned counsel for the petitioner.

8. 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 serve notice under Section 35(3) of the BNSS to the petitioner, if not already served and follow the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***[1], and 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

[1](2014) 8 SCC 273

Investigating Officer and the petitioner shall cooperate with the investigation.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Junior Civil Judge-cum-X Additional Judicial First Class Magistrate Rangareddy District at Kukatpally Cyberabad.
2. The Station House Officer, Madhapur Police Station Cyberabad.
3. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Ms. Ayesha Naik, Advocate [OPUC]
5. Two CD Copies

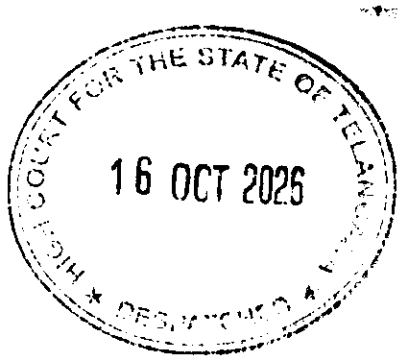
BA/GNK

HIGH COURT

DATED: 06/10/2026

ORDER

CRLP.No.16376 of 2026



DISPOSING OF THE CRIMINAL PETITION

SMT
15/10/26