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: 16480 OF 2026

Between:

Lalith Balhothra, S/o. Ramesh Balhothra, Aged about 45 Years, Occ: Business, R/o. H.No. 3-5-380, Sirsilk Colony, Kagaznagar, K.B. Asifabad District.

...Petitioner/Accused No.1

AND

1. The State of Telangana,, through S.H.O. Kagaznagar Town Police Station, K.B.Asifabad District, rep. by Public Prosecutor, High Court, Hyderabad
2. M.A. Imran, S/o M.A.Habeeb, Aged about 36 Years, Occ: Business, R/o.Q.No.C-36, Sirsilk Colony, Kagaznagar, K.B. Asifabad District

...Respondents/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 the crime in F.I.R.No. 317 of 2026 On the file of the Kagaznagar Town Police Station for the offence U/Sec. 296(b),115 (1), 351(2) r/w 3(5) BNS to quash the same.

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 in F.I.R.No. 317 of 2026 On the file of the Kagaznagar Town Police Station for the offence U/Sec. 296(b),115 (1), 351(2) r/w 3(5) BNS, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Rudresh Deshpande, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1.

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.16480 of 2026

CNR.No. HBHC010688632026
Date: 06.10.2026

Between:
Lalith Balhothra

...Petitioner

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.1 seeking to quash the proceedings in FIR No.317 of 2026 of Kagaznagar-Town Police Station, Kumrambheem Asifabad District, registered for the offences punishable under Sections 296(b), 115(1) and 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Mr.Rudresh Deshpande, learned counsel for the petitioner 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. 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. The allegations levelled in the complaint are purely civil in nature. Even according to the allegations made in the complaint, the ingredients of Sections 296(b), 115(1) and 351(2) r/w 3(5) of the BNS are not attracted against the petitioner. He further submitted that respondent No.2 ought to have approached the competent civil Court; on the other hand filed the present complaint by giving criminal colour. Hence, the continuation of proceedings against the petitioner is 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 submits that there are specific allegations levelled in the complaint against the petitioner to attract the ingredients of Sections 296(b), 115(1) and 351(2) r/w 3(5) of the BNS. 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 (supra)***. However, the petitioner is avoiding receipt of notice under Section 35(3) of the BNSS and is not cooperating with the investigation.

[1](2014) 8 SCC 273

6. By way of reply, learned counsel for the petitioners submitted that petitioner will cooperate with the investigation, and submit his 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. Taking into consideration the peculiar facts and circumstances of the case, the petitioner is directed to appear before the Investigating Officer on or before 17.10.2026 and the Investigating Officer is directed to follow the procedure contemplated under 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 is entitled to put forth his grievance, if any, upon receipt of notice under Section 35(3) of the BNSS, and produce all documents available with him before the Investigating Officer. The petitioner shall also cooperate with the investigation.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/-C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

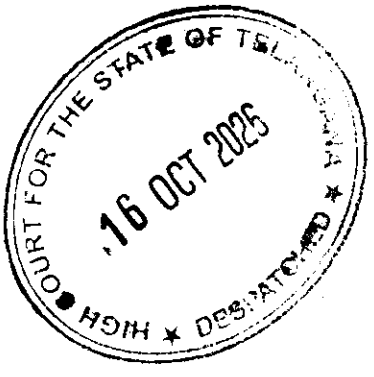
To,

1. Station House Officer Kagaznagar Town Police Station, Kumrambheem Asifabad District.
2. One CC to SRI. RUDRESH DESHPANDE Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
4. Two CD Copies

BA/GNK

HIGH COURT

DATED: 06/10/2026



ORDER

CRLP.No.16480 of 2026

DISPOSING OF THE CRIMINAL PETITION

(7)

PVL

15/10/2026