IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE SEVENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16499 OF 2026

Between:

Matta Daniel, S/o Matta Raju, Aged about 22 years, Occ, Student R/o H.No.11-A7-208, LIG colony Pocharam village, Ghatkesar Mandal Medchal-Malkajgiri district.

...Petitioner/Accused No. 1

AND

1. The State of Telangana, Rep By its Public Prosecutor, High Court at Hyderabad, Hyderabad. **...Respondent**
2. B.Paul Soloman Raj, S/o late B.Ratna Rao, Aged about 45 years, Occ. Real Estate Business R/o H.No.A/7-408, LIG colony, Ghatkesar Mandal Medchal-Malkajgiri district.

...Respondent/Defacto Complainant

Petition under Section 528 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Quash the FIR in Crime No. 540 of 2026 dated 29-9-2026 of P.S. Pocharam IT Corridor, Malkajgiri District against the petitioner /Accused No. 1.

I.A. NO: 2 OF 2026

Petition under Section 528 of Cr.P.C. 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 arrest of the petitioner/ A1 in Crime No.

540 of 2026 dated 29-9-2026 of P.S. Pocharam IT Corridor, Malkajgiri District 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 K W J Bose, Advocate for the Petitioner and the Mr. Jithender Rao Veeramalla, 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.16499 of 2026

CNR No.HBHC010693752026

Date: 07.10.2026

Between:

Matta Daniel

...Petitioner

AND

State of Telangana, and another.

...Respondents

ORDER

This Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short 'the BNSS') by the petitioner/accused No.1 seeking to quash the proceedings in Crime No.540 of 2026 of Pocharam IT Corridor Police Station, Malkajgiri District, registered for the offence punishable under Section 324 (4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

2. Heard Mr.K.W.J.Bose, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing 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 submits that the petitioner has not committed any offence and has been falsely implicated in the present crime on account of disputes between the petitioner and respondent No.2, who is none other than the maternal uncle of the petitioner. He submits that, to dissolve the said disputes, respondent No.2 lodged the present complaint against the petitioner by giving a criminal colour. He further submits that the alleged vehicle does not belong to respondent No.2 and that he has no right to lodge the complaint in respect of the alleged damage caused to the said vehicle. He further submits that the offences alleged against the petitioner are punishable with imprisonment for a term of less than seven years. However, the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') and the guidelines issued by the Apex Court in ***Arnesh Kumar Vs. State of Bihar***[1], is proceeding with the investigation and the same is contrary to law.

[1] (2014) 8 SCC 273

5. *Per contra,* learned Additional Public Prosecutor submits that there are specific allegations levelled in the complaint that the petitioner damaged the vehicle of respondent No.2, and whether the vehicle belongs to respondent No.2 or any other victim will be revealed during the course of investigation. He further submits that the Investigating Officer intends to follow the procedure contemplated under Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar (supra)*** on the ground that the alleged offences levelled against the petitioner are punishable with imprisonment of less than seven years.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner and respondent No.2 are close relatives, and respondent No.2 is none other than the maternal uncle of the petitioner. However, 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 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).

7. Taking into consideration the peculiar facts and circumstances of the case and also the submissions made by the respective parties, the petitioner/accused No.1 is directed to appear before the Investigating Officer on or before 16.10.2026, and on such appearance, the Investigating Officer is directed to issue notice under Section 35(3) of BNSS and follow the guidelines issued by the Apex Court in ***Arnesh Kumar*** (supra). It is needless to mention that the petitioner/accused No.1 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.

8. 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 Ist AJCJ-CUM-V Additional Judicial Magistrate of First Class, medchal-Malkajgiri District. Uppal-Medipally.
2. The Station House Officer, Pocharam IT Corridor Police Station, Malkajgiri District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to SRI. K W J Bose, Advocate [OPUC]
5. Two CD Copies

DL/GNK

HIGH COURT

DATED: 07/10/2026



ORDER

CRLP.No.16499 of 2026

DISPOSING OF THE CRIMINAL PETITION

(8)

12/10/26