IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16712 OF 2026

Between:

1. Mohammed @ Mirza Mohammed Ali Baig, S/o. Mirza Maseeh Ali Baig, Aged about 24 years, Occ- Business, R/o.H.No.21-3-91, 92/D, (Old Portion of H.No.21-3-91 and 21-3-92), Chelapura, Hyderabad, Telangana.
2. Mubeen @ Mohd. Firdous S/o. Abdul Sattar, Aged about 42 years, Occ- Business, R/o.H.No.20-1-389, Saxena Building, Hussaini Alam, Bahadurpura, Hyderabad, TG - 500064.
3. Tinku @ S. Ranjeet Singh S/o. Santok Singh, Aged about 42 years, Occ- Business, R/o.H.No.2/43, NGR Colony, Uppal, Rangareddy District. TG - 500039.
4. Omer @ Mohd. Omair,, S/o. Mohd. Akbar, Aged about 36 years, Occ- Business, R/o.H.No.21-5-415/A/17, Petla Bud, DCP Head Quarters, Charminar, Bahadurpura, Hyderabad, TG - 500064.

...PETITIONERS/ACCUSED No. 1, 2, 4 & 5

AND

1. The State of Telangana, P.S.Hussaini Alam, Hyderabad, Represented by its Public Prosecutor, High Court for the State of Telangana at Hyderabad
2. Archana W/o. M.Ravi Kumar, Aged about 40 years, Occ- Private Employee, R/o.H.No.21-3-91/92/0, Nammak Kharkana, Chelapura X Road, Hyderabad.

...RESPONDENT/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 quash the proceedings in FIR.No.303 of 2026, dated 03.10.2026 of PS Hussaini Alam, Hyderabad against the petitioners herein / Accused No.1, 2, 4 and 5.

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 of all further proceedings in FIR.No.303 of 2026, dated 03.10.2026 of PS Hussaini Alam, Hyderabad against the petitioners herein / Accused No.1, 2, 4 & 5 pending d sposal 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 Mohammad Habeebuddin representing Sri D. Chandra Shekar, Advocate for the Petitioners, Public Prosecutor on behalf of the Respondent No. 1 and 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.16712 of 2026

CNR No. : HBHC010700982026

Date: 09.10.2026

Between:
Mohammed @ Mirza Mohammed Ali Baig and three others

...Petitioners

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition has been filed by the petitioners/accused Nos.1, 2, 4 and 5 seeking to quash the proceedings in Crime No.303 of 2026 of Hussaini Alam, Police Station, Hyderabad, registered for the offences punishable under Sections 331(1), 324(5), 351(2) and 115(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Sri Mohammad Habeebuddin, learned counsel representing Mr.D.Chandra Shekar, learned counsel for the petitioners 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 petitioners submits that the petitioners have not committed the alleged offences and have been falsely implicated in the present case. The allegations levelled against the petitioners are purely civil in nature. Petitioner No.1 had approached the VIII Junior Civil Judge, City Civil Court, Hyderabad, and filed O.S.No.1924 of 2026 against the husband of respondent No.2 and another person, seeking a perpetual injunction restraining them from interfering with the suit schedule property. The said Court, in I.A.No.854 of 2026, granted an ad interim injunction. Hence, the question of the petitioners trespassing upon the property, as alleged in the complaint, does not arise. He further submits that the offences levelled against the petitioners are punishable with imprisonment of less than seven years. 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*, learned Additional Public Prosecutor submits that there are specific allegations levelled against the petitioners in the complaint about trespassing in the subject property and abusing respondent No.2. Whether the petitioners have committed the offence or not have to be revealed during the course of investigation and the petitioners are not entitled to seek quashing of the proceedings at this stage. He further submitted that the Investigating Officer wants to follow the procedure contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in ***Arnesh Kumar*** (supra) on the ground that the offences levelled against the petitioners are punishable with imprisonment less than years. However, the petitioners are avoiding to receive the notice under Section 35(3) of BNSS and not cooperating with the Investigating Officer.

6. By way of reply, learned counsel for the petitioners submits that the petitioners will cooperate with the Investigating Officer.

---

[1](2014) 8 SCC 273

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that disputes between the petitioner No.1 and husband of respondent No.2 are regarding residential house. Civil suit is also pending between them before the competent Civil Court. The record further reveals that the offences levelled against the petitioners 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 petitioners are directed to appear before the Investigating Officer on or before 20.10.2026 and submit reply/explanation along with the documents, which are available with them, to the Investigating Officer. The Investigating Officer is entitled 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).

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

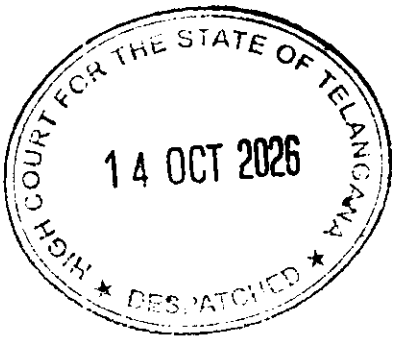
To,

1. The Chief Judicial Magistrate at Nampally, Hyderabad
2. The Station House Officer, Hussaini Alam Police Station, Hyderabad
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri D. Chandra Shekar, Advocate [OPUC]
5. Two CD Copies

VH/GNK

HIGH COURT

DATED: 09/10/2026



ORDER

CRLP.No.16712 of 2026

DISPOSING OF THE

CRIMINAL PETITION

(8)
kpr
14/10/26