IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16814 OF 2026

Between:

1. Shaik Khaja Moinuddin (A-1), S/o Shaik Chand Pasha, Aged about 36 years, Occ- Welder, R/o H.No. 8-3-228/678/1186, Sriram Nagar, Ganga Nagar, Borabanda, Hyderabad, Telangana.
2. Shaik Musthafa (A-2), S/o Shaik Chand Pasha, Aged about 40 years, Occ-Private Employee, R/o H.No.8-3-228/678/1009/165, Sriram Nagar, Borabanda, Hyderabad.
3. Shaik Muzumaill (A-3), S/o Shaik Chand Pasha, Aged about 34 years, Occ-Private Employee, Rio H.No.8-3-228/678/1592, Bhamha Shankar Nagar, Yousufguda, SPR Hills, Khairatabad, Sriram Nagar, Borabanda, Hyderabad.
4. Smt. Lathifa Begum (A-4),, W/o Mohammed Khaleed, Aged about 38 years, Occ-Housewife, R/o H.No. 8-3-228/678/1468/C, Saiaram Nagar,Yousufguda Hyderabad.

(Petitioners No. 2 to 4 are the Married brothers and married sister of Petitioner No. 1)

...Petitioners/Accused Nos. 1 to 4

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana, Hyderabad through Station House Officer, Dundigal Police Station, Cyberabad.
2. Smt. Mehraj Begum, W/o Shaik Khaja Moinuddin, Aged about 28 years, Occ-Housewife, Rio H.No. 6-11/7/A, Sai Pooja Colony, Gandimaisamma, Dundigal Mandal, Medchal-Malkajgiri District, Telangana

...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 quash proceedings in Crime No. 950 of 2026, dated 24.09.2026 of Dundigal P.S, Cyderabad District for the offence punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023., against the petitioners.

I.A. NO: 2 OF 2026

Petition under Section 528 of BNSS/482 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 petitioners in Crime No. 950 of 2026, dated 24.09.2026 of Dundigal P.S, Cyderabad District for the offence punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Vijay Kumar Panuganti, Advocate for the Petitioner and the Sri 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.16814 of 2026

CNR No.HBHC010705292026

Date: 12.10.2026

Between:

Shaik Khaja Moinuddin and 3 others

...Petitioners

AND

The State of Telangana and another

...Respondents

Order

This Criminal Petition is filed seeking to quash the proceedings in FIR No.950 of 2026, on the file of the Dundigal Police Station, Cyberabad District, wherein the petitioners were arrayed as accused Nos.1 to 4, for the offence punishable under Section 85 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. Heard Mr.Vijay Kumar Panuganti, learned counsel for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. With the consent of both the learned counsel, the criminal petition is disposed of at the admission stage.

4. Learned counsel for the petitioners submitted that the petitioners have not committed the alleged offences and have been falsely implicated in the present crime by making omnibus allegations. Especially, there are no allegations, much less specific allegations, against petitioner Nos.2 to 4 to attract the offence under Section 85 of the BNS. Petitioner Nos.2 and 3 are brothers, and petitioner No.4 is the sister of accused No.1. At no point of time did petitioner Nos.2 to 4 harass the respondent or demand additional dowry, as alleged in the complaint. Hence, the continuation of the proceedings against the petitioners is a clear abuse of the process of law.

4.1. He further submitted that the offences levelled against the petitioners are punishable with imprisonment of less than seven years. The Investigating Officer had already served a notice under Section 35(3) of the BNSS on petitioner No.1/accused No.1. Pursuant to the same, he appeared before the Investigating Officer on 01.10.2026. In spite of the same, the police are insisting that petitioner No.1 appear before the Investigating Officer regularly. He further submitted that the Investigating Officer, without following the mandatory procedure prescribed under Section 41-A of the Cr.P.C./Section 35(3) of the BNSS and the guidelines issued by the Apex Court in ***Arnesh Kumar Vs. State***

of Bihar[1], is proceeding with the investigation in respect of petitioner Nos. 2 to 4, which is contrary to law.

5. *Per contra*, the learned Additional Public Prosecutor submitted that specific allegations have been levelled against the petitioners in the complaint about the harassment caused by the petitioners and their demand for additional dowry. Whether the allegations levelled against the petitioners are true or not has to be revealed during the course of the investigation, and the petitioners are not entitled to seek quashing of the proceedings at this stage. However, the offences levelled against the petitioners are punishable with imprisonment of less than seven years, and the Investigating Officer tried to serve notices under Section 35(3) of the BNSS on petitioner Nos.2 to 4, but they are avoiding receiving the notices and are not cooperating with the investigation. Hence, the petitioners are not entitled to seek quashing of the proceedings.

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

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that petitioner No.1 and respondent No.2 are husband and wife, and their marriage was performed 10 years ago. While the marriage was

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[1](2014) 8 SCC 273

subsisting, matrimonial disputes arose between them. Petitioner Nos.2 to 4 are the brothers and sister of accused No.1. The offences alleged against the petitioners are punishable with imprisonment of less than seven years. Even according to the learned counsel, the Investigating Officer has already issued a notice under Section 35(3) of the BNSS to petitioner No.1/accused No.1. Hence, this Court is of the considered view that petitioner No.1/accused No.1 is entitled to put forth his grievance pursuant to the said notice by raising all the pleas, including the pleas raised in the present Criminal Petition.

8. In respect of the petitioner Nos.2 to 4/accused Nos.2 to 4 are concerned, the petitioner Nos.2 to 4/accused Nos.2 to 4 are directed to appear before the Investigating Officer on or before 27.10.2026, 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 Nos.2 to 4/accused Nos.2 to 4 are entitled to put forth their grievance upon receipt of the notice under Section 35(3) of the BNSS and are also entitled to submit the documents, if any, which are in their possession.

9. Subject to the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

Sd/- M. NAGAMANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VIII Additional Judicial Magistrate of First Class at Medchal.
2. The Station House Officer, Dundigal Police Station, Cyderabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri Vijay Kumar Panuganti, Advocate [OPUC]
5. Two CD Copies

DL

HIGH COURT

DATED: 12/10/2026



ORDER

CRLP.No.16814 of 2026

DISPOSING OF THE CRIMINAL PETITION

17/10/26