IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17159 OF 2026

Between:

Avilala Karthik, S/o A.Kumar Age.34 Years, Occ: Real estate Business, R/o P.No 103, Nipun parl Apartment, East Maruti Nagar, Moula Ali, Medchal - Malkajgiri District, Telangana

...Petitioner/Accused No.2

AND

1. The State of Telangana, Represented by Public Prosecutor High Court for State of Telangana.

2. Vikram Kumar, S/o Krishnadev yadav, Age:25 yrs, Occ: Trishul Bar Worker, Caste: Yadav, R/o North Kammala Nagar, Parota Centre Galli, ECIL, Kushaiguda, Medchal Malkajgiri District, Telangana-500062.

...Respondents

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 against the Petitioner / Accused No. 2 in Crime No. 727/2026 dated 29.09.2026, on the file of Police Station Kushaiguda.

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 all further proceedings including arrest and appearance of Petitioner / Accused No. 2 in Crime No. 727/2026 dated 29.09.2026, on the file of Police Station Kushaiguda pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P Ruthvik, 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.17159 of 2026

CNR No. : HBHC010718932026

Date: 26.10.2026

Between:
Avilala Karthik

...Petitioner

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.2 seeking to quash the proceedings in Crime No.727 of 2026 on the file of Kushaiguda Police Station, Malkajgiri District, registered for the offences punishable under Section 49 r/w 110 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') and Section 180 of the Motor Vehicles Act, 1988 (for short 'M.V. Act').

2. Heard Mr.P.Ruthvik, 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 submits that the petitioner has not committed the alleged offence and has been falsely implicated in the present case based on the confession statement given by accused No.1. The entire allegations are levelled against accused No.1. The petitioner was implicated as an accused only on the ground that he is the owner of the vehicle. Accused No.1 took the vehicle from the petitioner, and the alleged accident occurred due to the rash and negligent driving of accused No.1. He further submits that initially, the crime was registered for the offence under Section 125(a) of the BNS. Subsequently, Sections 110, 125(a), 125(b), 281 and 49 of the BNS and Sections 180, 181, 184, 185 and 134/187 of the M.V. Act were added against accused No.1, while Section 49 r/w Section 110 of the BNS and Section 180 of the M.V. Act were added against accused No.2. He further submits that accused No.1 was arrested and enlarged on bail. 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*, the learned Additional Public Prosecutor submits that the petitioner was aware that accused No.1 did not possess a valid driving licence and was in an intoxicated condition, yet permitted him to drive the vehicle. Whether the petitioner has committed the offence or not have to be revealed during the course of investigation and the petitioner is 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 petitioner are punishable with imprisonment less than years and the petitioner shall cooperate with the investigation.

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

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[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 the petitioner is the owner of the vehicle and the said vehicle is given to accused No.1 and due to rash and negligent driving of accused No.1, the alleged accident had occurred. The specific case of the prosecution is that accused No.1 was not having any valid driving license and was in a drunken condition at the time of accident. Whether the allegations levelled against the petitioner are true or not will be revealed during the course of investigation. Even according to the learned Additional Public Prosecutor, the investigating officer recorded the statements of LWs.1 to 10 and accused No.1 was arrested on 01.10.2026. According to learned counsel for the petitioner, accused No.1 was already enlarged on bail. The record further discloses 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 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 petitioner is directed to appear before the Investigating Officer on or before 06.11.2026 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/- K. VANI
ASSISTANT REGISTRAR

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SECTION OFFICER

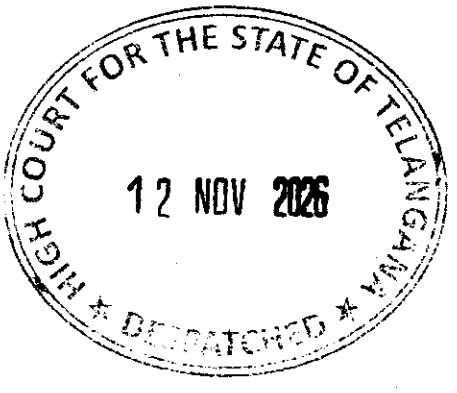
To,

1. The II Additional Junior Civil Judge-cum-II Additional Judicial Magistrate of First Class, Medchal Malkajgiri District at Kushaiguda
2. The Station House Officer, Kushaiguda Police Station, Malkajgiri
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri P Ruthvik, Advocate [OPUC]
5. Two CD Copies

ABK /GNK

HIGH COURT

DATED: 26/10/2026



ORDER

CRLP.No.17159 of 2026

DISPOSING OF THE CRIMINAL PETITION

8 copies
RA
4/11/26