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: 17501 OF 2026

Between:

Sri. Nanda Dilip Kumar, S/o. Bhaskar, Aged, 39 Years, Occupation: Police Constable, Residing at, Plot No.09, Sai Nagar Colony, Bapuji Nagar, Thirumalagiri, Hyderabad district, Telangana State

...PETITIONER/ACCUSED No.1

AND

The State of Telangana, Through Public Prosecutor High Court of Telangana, High Court buildings, Hyderabad.

...RESPONDENT/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 allow the Quash petition for the alleged offences under section: 341, 325, 504, r/w, 34 of IPC, in CC.No. 84 of 2024, on the file of the Hon'ble IV Additional Judicial Magistrate of First Class, At, Medipally, Medchal-Malkakjgiri District, TG, and declare the registration of the crime and filing of chargesheet as illegal, arbitrary, abuse of process of law, being vexatious, and to wreak vengeance against the Petitioner.

I.A. NO: 1 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 the further proceedings in CC.No. 84 of 2024, on the file of the Hon'ble IV Additional Judicial Magistrate of First Class, At Medipally, Medchal-Malkakjgiri District, TG, pending disposal of the present Quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Sravan Prasad Macharla, Advocate for the Petitioner and the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent.

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.17501 of 2026

C.N.R.No. HBHC010721572026

Date:26.10.2026

Between:

Sri Nanda Dilip Kumar

...petitioner/accused No.1

AND

The State of Telangana

...respondent

ORDER

This Criminal Petition has been filed seeking to quash the proceedings in C.C.No.84 of 2024, on the file of the IV Additional Judicial Magistrate of First Class at Medipally, Medchal-Malkajgiri District, wherein the petitioner was arrayed as accused No.1, registered for the offence punishable under Sections 341, 323, 504 read with 34 of the Indian Penal Code, 1860 (for short 'the IPC').

2. Heard Mr. J. Anjaneyulu, learned counsel for the petitioner and Mr. Jithender Rao Veeramalla, learned Additional Public

Prosecutor for respondent. With their consent, the criminal petition is disposed of at the stage of admission.

3. Learned counsel for the petitioner submits that the petitioner has not committed the alleged offences and has been falsely implicated in the present case. Even according to the allegations levelled in the complaint or in the final report, the ingredients of the offences punishable under Sections 341, 323, 504 read with 34 of the IPC are not attracted against the petitioner. The *de facto* complainant filed the present complaint as a counter blast to the complaint filed by the petitioner in respect of the very same incident, which was registered as crime No.1358 of 2023 against respondent No.2 for the offence punishable under Section 324 of the IPC. He further submits that the Investigating Officer filed the final report solely basing upon the statements given by the *de facto* complainant and LW2 to LW7. During the course of investigation, the police have not seized any material object as alleged in the complaint. He further submits that even according to the allegations levelled in the complaint, the incident took place at the house of the petitioner, whereas, in the crime details form and

sketch prepared by the Investigating Officer, it reveals that the alleged incident was took placed at Telephone Colony Road. Hence, continuation of the proceedings against the petitioner is a clear abuse of the process of law.

4. *Per contra,* learned Additional Public Prosecutor submitted that there are specific allegations levelled in the complaint against the petitioner. Whether the said allegations are true or not, the same will be revealed during the course of trial and the petitioner is not entitled to seek quashment of the proceedings against him.

5. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that there are specific allegations levelled in the complaint that the *de facto* complainant gave an amount of Rs.2,00,000/- to the petitioner and the petitioner had agreed to return the said amount within a period of three months but did not return the said amount till date. On 24.12.2023, accused No.2 called the *de facto* complainant through phone, abused him in filthy language and called him to his house. Then the *de facto* complainant and LW.2 went to the house of accused No.2, situated

at Yadadri Colony, Boduppal. On the way, the petitioner and accused No.2 obstructed the *de facto* complainant and LW2 by threatening them that they are not going to give money and pushed the *de facto* complainant and bet with hands and he sustained grievous injuries in the hands of the petitioner and accused No.2.

6. The record further reveals that the *de facto* complainant was examined as LW.1, father of the *de facto* complainant/eye witness was examined as LW.2 and another witness was examined as LW.3. Respondent No.2, in his statement under Section 164 of the Cr.P.C/Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS'), specifically mentioned the role of the petitioner. The petitioner filed a complaint against the *de facto* complainant subsequent to the complaint filed by the *de facto* complainant on 25.12.2023, upon which Crime No.1358 of 2023 was registered, whereas the *de facto* complainant had filed complaint prior to the complainant of the petitioner and the same was registered as Crime No.1357 of 2023. Whether the allegations levelled in the complaint, final report and the statements of the witnesses are true or not, the same will be revealed during the

course of trial. The grounds urged by the learned counsel for the petitioner are disputed facts and the same cannot be adjudicated by this Court while exercising the powers conferred under Section 528 of the BNSS. Hence, this Court does not find any ground to quash the proceedings against the petitioner.

7. At this stage, learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner/accused No.1 in C.C.No.84 of 2024, on the file of the IV Additional Judicial Magistrate of First Class at Medipally, Medchal-Malkajgiri District, on the ground that petitioner is a police constable and the matter before the trial Court has not been ripened for trial yet, as such the learned counsel sought for dispensing with the presence of petitioner before the Trial Court.

8. The learned Additional Public Prosecutor has not opposed the above said submission made by the learned counsel for petitioner.

9. Taking into consideration the peculiar facts and circumstances of the case, submissions made by the learned counsel for the petitioners, the presence of petitioner/accused No.1

in C.C.No.84 of 2024, on the file of the IV Additional Judicial Magistrate of First Class at Medipally, Medchal-Malkajgiri District, is dispensed with, subject to the condition that the petitioner/accused No.1 shall be represented by his counsel on every date of hearing, unless his presence is specifically required during the course of the trial. In the event of non-appearance of petitioner/accused No.1 on any date so fixed by the trial Court, the trial Court shall be entitled to proceed with the matter in accordance with law.

10. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Junior Civil Judge cum IV A MM Court Medchal Malkajgiri District, Uppal at LB Nagar, Ranga Reddy District.
2. The Station House Officer, Medipally Police Station, Rachakonda District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri. Sravan Prasad Macharla, Advocate [OPUC]
5. Two CD Copies

Pr/GNK

HIGH COURT

DATED: 26/10/2026

ORDER

CRLP.No.17501 of 2026



DISPOSING OF THE CRIMINAL PETITION

MK
3/11/2026
9 COPIES