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: 17593 OF 2026

Between:

Guda SaiTeja, S/o Raji Reddy, Aged about 25 Years Occ Business R/o H-No2-58 VTC Cheekod PO Chekode Mustabad District Karimnagar Telangana-505404, Cell : 9100721386

...Petitioner/Accused No. 2

AND

1. The State of Telangana, Rep by its Public Prosecutor Telangana State High Court Buildings at Hyderabad.
2. Sri Bommireddy Charan, S/o B Yashoda Reddy, Aged about 23 years Occ Business, R/o Flat No 201 SV Boys Hostel NRI Colony Pragathi Nagar, Ph:9951516538

...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 Crime No 1140 of 2025 dated 09-11-2025 on the file of the Bachupally Police Station Cyberabad against the Petitioner/ Accused No.2.

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 Crime No 1140 of 2025 dated 09-11-2025 on the file of the petitioner / accused No 2 Bachupally Police Station Cyberabad, against the petitioner/Accused No.2 pending final disposal of the main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Kongala Mohan Goud, Advocate for the Petitioner and the Mr. Jithender Rao Veermalla, 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.17593 of 2026

CNR.No.HBHC010725062026
Date: 26.10.2026

Between:
Guda Sai Teja

...Petitioner/accused No.2

AND

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 FIR No.1140 of 2025 of Bachupally Police Station, Cyberabad, registered for the offences punishable under Sections 316(2), and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. Heard Mr.Kongala Mohan Goud, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1. With their consent, the criminal petition is disposed of at the stage of admission.

3. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offence and has been falsely implicated in the present crime. The nature of the allegations levelled in the complaint are purely monetary transactions. Respondent No.2 ought to have approached the competent civil Court, on the other hand, filed the present complaint by giving criminal colour for recovery of the amount and the same is a clear abuse of process of law. The offences under Sections 316(2) and 318(4) of BNS are not attracted against the petitioner and both the offences cannot go together, in view of the principle laid down by the Hon'ble Apex Court in ***Delhi Race Club (1940) Ltd. & Ors vs. State of Uttar Pradesh & Anr***[1]. Hence, continuation of the proceedings against the petitioner is a clear abuse of the process of the law. He further submitted that the offences levelled against the petitioner 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

[1] (2024) 10 SCC 690.

following the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh Kumar Vs. State of Bihar*** [2], is proceeding further in the matter and the same is contrary to law.

4. *Per contra*, the learned Additional Public Prosecutor submits that specific allegations have been levelled in the complaint against the petitioner with regard to his dishonest intention, inducement of the de facto complainant and receipt of a huge amount pursuant to a conspiracy. He further submits that the said allegations attract the offences alleged against the petitioner. The Investigating Officer, after conducting the investigation, has filed the final report against the other accused before the XI Judicial Magistrate of First Class, Kukatpally and the same has been taken cognizance of and numbered as C.C. No.2579 of 2026. He further submitted that the petitioner has been absconding since the date of registration of the crime and has been evading receipt of notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), thereby failing to cooperate with the investigation. The Investigating Officer intends to follow the procedure contemplated under

[2] (2014) 8 SCC 273

Section 35(3) of the BNSS and the guidelines laid down by the Hon'ble Apex Court in Arnesh Kumar (supra). Hence, the petitioner is not entitled to any relief.

5. By way of reply, the learned counsel for the petitioner submits that the petitioner is ready and willing to cooperate with the investigation and undertakes to submit his reply/explanation along with the relevant documents before the Investigating Officer.

6. Having considered the rival submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor and upon perusal of the material available on record, it reveals that the Investigating Officer has already filed the final report in respect of accused No.1 before the XI Judicial Magistrate of First Class, Kukatpally. The offences alleged against the petitioner are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer intends to follow the procedure contemplated under Section 35(3) of the BNSS and

the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra).

7. Taking into consideration the peculiar facts and circumstances of the case, the petitioner is directed to appear before the Investigating Officer on or before 06.11.2026. Upon his appearance, the Investigating Officer shall follow the procedure contemplated under Section 35(3) of the BNSS and adhere to the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar*** (supra). It is needless to mention that the petitioner is entitled to put forth his grievance, if any, upon receipt of notice under Section 35(3) of the BNSS and produce all documents available with him before the Investigating Officer. The petitioner shall cooperate with the investigation.

8. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- P.C.SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The PJCJ Cum XI Additional Metropolitan Magistrate, Kukatpally, Cyberabad.
2. The Station House Officer, Bachupally Police Station, Cyberabad District.

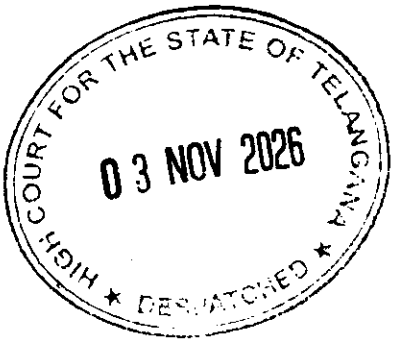
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to Sri Kongala Mohan Goud, Advocate [OPUC]
5. Two CD Copies

DL

TKS

HIGH COURT

DATED: 26/10/2026



ORDER

CRLP.No.17593 of 2026

DISPOSING OF THE CRIMINAL PETITION

Y.V.Q
2/11/26