IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17715 OF 2026

Between:

Yelimela Pramod, S/o. Late Yelimela Samaiah, Aged about 38 years, Occ: Business, R/o. H.No.1-16, Kollur Village, Ramachandrapuram, Sangareddy, Telangana State.

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.

...Respondent/Complainant

2. Sheri Veera Reddy, S/o. Rama Krishna Reddy, Aged about 63 years, Occ: Agriculture, R/o. Velimala, Ramachandrapuram Mandal, Sangareddy District.

...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 call for the records in FIR No.1386 of 2026 on the file of P.S. Patancheru, Cyberabad, Sangareddy District and the same may be quashed.

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 of all further proceedings in FIR No.1386 of 2026 on the file of P.S. Patancheru, Cyberabad, Sangareddy District, pending finalization 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 Jalli Kanakaiah, Senior Counsel representing Sri Narendar Jalli, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the Additional Public Prosecutor on behalf of the Respondent No. 1 and of Sri Naresh Reddy Chinnolla, Counsel representing Sri K Sai Charan, Advocate 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.17715 of 2026
CNR.No.HBHC010741762026

Date: 03.11.2026

Between:

Yelimela Pramod

...Petitioner/Accused

AND

The State of Telangana and another.

...Respondents

Order:

This Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short 'the BNSS') by the petitioner/accused seeking to quash the proceedings in Crime No.1386 of 2026 of Patancheru Police Station, Cyberabad, registered for the offences punishable under Sections 316(2), 318(4), 336(3), 340(2) and 351(2) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'the BNS').

2. Heard Mr. Jalli Kanakaiah, learned Senior Counsel, representing Mr. Jalli Narendar, learned counsel for the petitioner, Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing for respondent No.1 and Mr. Naresh Reddy Chinnolla, learned counsel representing Mr. K. Sai Charan, learned counsel appearing on behalf of respondent No.2.

3. With their consent, the criminal petition is disposed of at the stage of admission.

4. Learned counsel for the petitioner submitted that the petitioner has not committed the alleged offences and has been falsely implicated in the present case. The nature of the allegations levelled in the complaint is purely civil in nature. Respondent No.2 ought to have approached a competent civil Court, on the other hand, filed the present complaint by giving it a criminal colour. The petitioner has not forged or fabricated any documents and there is no dishonest intention on his part. He further relied upon the Judgment of the Hon'ble Supreme Court in ***Delhi Race Club (1940) Ltd. & Ors vs. State of Uttar Pradesh & Anr***[1], wherein it was held that both the offences of cheating and criminal breach of trust cannot go together. Hence the continuation of proceedings against the petitioners is a clear abuse of process of law. He further submitted that the offences levelled against the petitioner are punishable with imprisonment up to seven years. The Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of the BNSS and without following the guidelines formulated by the Hon'ble Supreme Court in ***Arnesh***

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[1] (2024) 10 SCC 690

Kumar Vs. State of Bihar[2]**,** is proceeding further in the matter and the same is contrary to law.

5. *Per contra*, learned counsel appearing on behalf of respondent No.2 vehemently contented that there are specific allegations levelled in the complaint about the dishonest intention, inducement, forgery and fabrication. The said allegations attract the ingredients of the above said offences. Whether the allegations levelled against the petitioners are true or not, the same has to be revealed during the course of investigation and the petitioner are not entitled to seek quashment of proceedings against them at threshold.

6. Learned Additional Additional Public Prosecutor has reiterated the submission made by the learned counsel for respondent No.2. However, the offences levelled against petitioner are punishable with imprisonment up to seven years, the Investigating Officer will follow the due procedure as contemplated under Section 35(3) of the BNSS and also the guidelines formulated by the Apex Court in ***Arnesh Kumar (supra)***.

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that that the offences levelled against the

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[2](2014) 8 SCC 273

petitioner are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer wants to follow the due procedure as contemplated under the provisions of the 35(3) of the BNSS.

8. In view of the same, the Investigating Officer is directed to follow the procedure contemplated under the provisions of the BNSS, and also the guidelines formulated by the Hon'ble Apex Court in ***Arnesh Kumar (supra)*** in respect of petitioner/accused and the petitioner shall cooperate with the investigation. It is needless to mention that the petitioner is entitled to submit reply to the notice under Section 35(3) of the BNSS by raising all the pleas which are available to him and he is also entitled to submit the documents, if any, which are in his custody, to the Investigating Officer.

9. Accordingly, the Criminal Petition is disposed of. Miscellaneous applications, pending if any, shall stand closed.

SD/- M. OSMAN ALI BAIG
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Additional Junior Civil Judge-cum-IV Additional Judicial Magistrate of First Class at Sangareddy.
2. The Station House Officer, Patancheru Police Station, Cyberabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Narendar Jalli, Advocate [OPUC]
5. One CC to Sri K Sai Charan, Advocate [OPUC]
6. Two CD Copies

HIGH COURT

DATED: 03/11/2026

ORDER

CRLP.No.17715 of 2026



DISPOSING OF THE CRIMINAL PETITION

9 pm T
6/11/26