IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17727 OF 2026

Between:

Kadudoori Rajender Reddy, S/o. Kumara swamy, Aged about 40 years, Occ. Employee, r/o. 1-7-1289, Advocate's Colony, road No. 4, Balasamudram, Hanumakonda, Hanumakonda District.

...Petitioner/Accused No.1

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court at Hyderabad. **...Respondent/Respondent**
2. The Station House Officer, Keesara P.S., Kapra, Medchal -Malkajigiri District, Telangana State. **...Respondent/Complainant**
3. Sujatha Auvula, W/o. Anki Reddy, Aged about 39 years, Occ. Pvt. Employee, r/o. 10-76/49/3, New Hanuman Nagar, Keesara, Medchal-Malkajigiri 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 quash the proceedings in Crime No.484 of 2025 dated 23-06-2025 on the file of the Station House Officer, Keesara PS, Rachakonda Commissionerate, Medchal-Malkajigiri District.

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 of the petitioner in Crime No.484 of 2025 dated 23-06-2025 on the file of the Station House Officer, Keesara PS, Rachakonda Commissionerate, Medchal-Malkajigiri District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. D.V. Ramana Sarma, Advocate for the Petitioner and Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondents No.1 & 2 and None Appeared for the Respondent No.3.

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.17727 of 2026

CNR.No. HBHC010742112026
Date: 02.11.2026

Between:
Kadudoori Rajender Reddy

...Petitioner

AND

The State of Telangana and two others

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.1 seeking to quash the proceedings in FIR No.484 of 2025 of Keesara Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 406 and 420 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. Heard Mr.D.V.Ramana Sarma, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent Nos.1 and 2.

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 offences and has been falsely implicated in the present crime. He further submits that the allegations levelled in the complaint are purely civil in nature relating to monetary transactions. He further submitted that the offences under Sections 406 and 420 of the IPC 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, the continuation of proceedings against the petitioner is a clear abuse of process of law.

4.1. He further submits that the offences levelled against the petitioner are punishable with imprisonment of less than seven years and 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

[1] (2024) 10 SCC 690

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

5. *Per contra*, the learned Additional Public Prosecutor submits that specific allegations have been levelled in the complaint that the petitioner, with dishonest intention, falsely represented himself as a lawyer, induced respondent No.3 and received an amount of Rs.10,88,407/- towards the clearance of a gold loan. When respondent No.3 demanded repayment of the said amount, the petitioner abused and threatened her. The aforesaid allegations attract the ingredients of the offences punishable under Sections 406 and 420 of the IPC. He further submits that the Investigating Officer has recorded the statements of LWs.1 and 2 and the investigation is still in progress. He further submits that accused No.2 was arrested on 10.10.2026 and subsequently enlarged on bail. He also submitted that, when the Investigating Officer attempted to serve a notice under Section 35(3) of the BNSS on the petitioner, the petitioner avoided receiving the said notice and failed to cooperate with the investigation. Therefore, the petitioner

[2](2014) 8 SCC 273

is not entitled to seek quashment of the proceedings against him at this stage.

6. By way of reply, learned counsel for the petitioner submitted that petitioner will cooperate with the investigation, and submit his reply/explanation along with relevant documents. He further submitted that the Investigating Officer may be directed to follow the due procedure as contemplated under the provisions of the BNSS.

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the offences levelled against 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. Taking into consideration the peculiar facts and circumstances of the case, the petitioner is directed to appear before the Investigating Officer on or before 13.11.2026 and the Investigating Officer is directed 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). 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 also cooperate with the investigation.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Junior Civil Judge-cum-III Additional Judicial Magistrate of First Class at Kushaiguda.
2. The Station House Officer, Keesara Police Station, Medchal -Malkajigiri District.
3. Two CC to Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
4. One CC to Mr. D.V. Ramana Sarma, Advocate [OPUC]
5. Two CD Copies

KAM/GNK

HIGH COURT

DATED: 02/11/2026

ORDER

CRLP.No.17727 of 2026



DISPOSING OF THE
CRIMINAL PETITION

MK
6/11/2026
8 Copies