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: 18088 OF 2026

Between:

Mangalapuri Dinesh, S/o. Ashok, Aged 27 yrs., Pvt. Employee, H.No.6, LIG-II, BK Guda S.R.Nagar Post, Hyderabad.

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, Hyderabad. **...Respondent**
2. Shaik Hafsa, D/o Abdul Khadar, Aged 27 yrs., Occ. Pvt. Employee R/o Near T.Hub Gate No.9 Satva Building Old Alwal Secunderabad, Hyderabad

...Respondent/De-facto Complainant

Petition under Section 528 of BNSS, 2023 praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to QUASH the FIR No.1191 of 2026, dated 08.08.2026, on the file of the Madhapur Police Station, Hyderabad for the offence under Sections 79, 351 (2), 316 (2), 318 (4) of BNS.

I.A. NO: 2 OF 2026

Petition under Section 528 of BNSS, 2023 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 in FIR No.1191 of 2026, dated 08.08.2026, on the file of the Madhapur Police Station, Hyderabad for the offence under Sections 79, 351 (2), 316

(2), 318 (4) of BNS including from taking any coercive steps against the Petitioner herein.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K Sai Babu, Advocate for the Petitioner and the Mr Jithender Rao Veeramalla, Additional Public 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.18088 of 2026
CNR.No. HBHC010752802026

Date: 02.11.2026

Between:
Mangalapuri Dinesh

...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.1191 of 2026 of Madhapur Police Station, Cyberabad, registered for the offences punishable under Sections 79, 351(2), 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

2. Heard Mr. K. Sai Babu, learned counsel for the petitioner, Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing 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 submitted that the petitioner has not committed the alleged offences and has been falsely implicated in the present crime. The allegations levelled in the complaint are purely civil in nature, in respect of monetary transaction. 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. 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 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*, learned Additional Public Prosecutor submits that there are specific allegations levelled in the complaint that the petitioner, with a dishonest intention received amount from respondent No.2. When respondent No.2 requested for refund, he abused and threatened respondent No.2. The said allegations *prima facie* disclose the cognizable offence. Since the investigation is under

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[1](2014) 8 SCC 273

progress, the petitioner is not entitled to seek quashment of the proceedings against him at this stage. The Investigating Officer had already issued notice under Section 35(3) of the BNSS to the petitioner/accused on 19.10.2026, on the ground that the offences leveled against the petitioner/accused are punishable with imprisonment of less than seven years and the petitioner is entitled to submit his reply, on the other hand, filed the present criminal petition seeking to quash the proceedings, which is not permissible under law

6. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the petitioner has taken Rs.40,000/- from respondent No.2, obtained three mobile phones in the name of respondent No.2 worth of Rs.2,00,000/- but he failed to repay the amount or settle the dues. When respondent No.2 demanded for repayment, the petitioner abused her in filthy language by threatening her and caused fear. Whether the said allegations are true or not, the same will be revealed during the course of investigation, especially the investigation is under progress. The Investigating Officer had recorded the statement of LW.1. It is further revealed that the offences leveled against the petitioner/accused are punishable with imprisonment of less than

seven years and even according to the learned Additional Public Prosecutor, the Investigating Officer had issued notice under Section 35(3) of the BNSS to the petitioner on 19.10.2026.

7. In view of the same, the petitioner is entitled to submit a reply to the notice under Section 35(3) of the BNSS dated 19.10.2026, 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. The Investigating Officer is further 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*)**.

8. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Junior Civil Judge-Cum-X Additional Judicial First Class Magistrate Ranga Reddy District at Kukatpally, Cyberabad.
2. The Station House Officer, Madhapur Police Station, Cyberabad District.
3. One CC to Sri K Sai Babu Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

DL/GNK

HIGH COURT

DATED: 02/11/2026

ORDER

CRLP.No.18088 of 2026



DISPOSING OF THE CRIMINAL PETITION

06/11/26
K.K