IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE THIRTEENTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 18864 OF 2026

Between:

1. Mohammed Ossama, S/o Late Mohd Akbar, aged about 25 years, Occ. Business, R/o Moghalpura, Near Watertank, Hyderabad.
2. Shaik Mohammed Talha, S/o ShaiK Abbas Yaseen, aged about 20 years, Occ Business, R/o Moghalpura, Near Fire Station, Hyderabad.
3. Mohammed Sultan, S/o Late Mohd Akbar, aged about 30 years, Occ. Business, R/o Moghalpura, Near Watertank, Hyderabad.
4. Mohammed Ali, S/o Late Mohd Akbar, aged about 28 years, Occupation. Business, R/o Moghalpura, Near Watertank, Hyderabad.

...Petitioners/Accused Nos. 1 to 4

AND

1. The State of Telangana, represented by its Public Prosecutor, High Court for the State of Telangana at Hyderabad, through the Station House Officer, Charminar Police Station, Hyderabad City.
2. Mohammed Mubasheer Uddin, S/o Mohammed Wajji Uddin aged about 16 years (minor), Occupation. Student, R/o H.No. 18-12-419/C/1369 represented by his father and natural guardian Mohammed Wajji Uddin, residing at the same address (Defacto Complainant)

...Respondents

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the criminal proceedings against the Petitioners/Accused Nos. 1 to 4 in Cr.No. 200 of 2026 on the file of PS. Charminar, Hyderabad, in the interest of justice.

I.A. NO: 2 OF 2026

Petition under Section 528 of B.N.S.S. 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 including the appearance of the Petitioners/ Accused Nos. 1 to 4 in Cr.No. 200 of 2026, on the file of P.S. Charminar, Hyderabad, pending disposal of the above quash petition, in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Veera Babu Gandu, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the Respondent No.1, (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.18864 of 2026
(CNR No. HBHC010784132026)

Date: 13.11.2026

Between:

Mohammed Ossama and three others.

...Petitioners/Accused Nos.1 to 4

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 petitioners/accused Nos.1 to 4 seeking to quash the proceedings in Crime No.200 of 2026 of Charminar Police Station, Hyderabad, registered for the offences punishable under Sections 115(2), 126(2), 324(4) and 351(2) r/w Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

2. Heard Mr. Veera Babu Gandu, learned counsel for the petitioners, and Mr.Jithendar Rao Veeramalla, learned Additional

Public Prosecutor for respondent No.1. With their consent, this criminal petition is disposed of at the stage of admission.

3.1 Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they have been falsely implicated in the present crime. Even according to the allegations levelled in the complaint, the ingredients of Sections 115(2), 126(2), 324(4) and 351(2) r/w Section 3(5) of the BNS are not attracted. The petitioners have not stopped respondent No.2 nor beat him with their hands. Respondent No.2 made omnibus allegations against the petitioners.

3.2. He further submitted that the offences levelled against the petitioners are punishable with imprisonment of less than seven years and the Investigating Officer without following the mandatory procedure as prescribed under Section 35(3) of the BNSS and the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**[1], is proceeding with the investigation and the same is contrary to law.

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[1](2014) 8 SCC 273

4. Learned Additional Public Prosecutor submitted that there are specific allegations levelled in the complaint that when respondent No.2 was travelling on a motorcycle, the petitioners stopped the vehicle and beat him. The said allegations *prima facie* discloses the offences under Sections 115(2), 126(2), 324(4) and 351(2) r/w Section 3(5) of the BNS and the investigation is under progress. However, the offences levelled against the petitioners are punishable with imprisonment below seven years and the Investigating Officer had already served notice under Section 35(3) of the BNSS in respect of petitioner Nos.1 and 2 on 04.11.2026 and 14.10.2026 respectively and that Investigating Officer wants to follow the very same procedure in respect of petitioner Nos.3 and 4/accused Nos.3 and 4.

5. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that there are specific allegations levelled in the complaint that when respondent No.2 was travelling on a motorcycle, the petitioners stopped the vehicle and beat him with their hands. Whether the allegations levelled against the petitioners in the complaint are true or not, the same will be revealed during the course of investigation. Even according to the learned Additional Public Prosecutor, the

Investigating Officer recorded the statements of LWs.1 and 2 and the investigation is under progress. The offences levelled against the petitioners are punishable with imprisonment of less than seven years. Even according to the learned Additional Public Prosecutor, the Investigating Officer had already served notice under Section 35(3) of the BNSS in respect of petitioner Nos.1 and 2 on 04.11.2026 and 14.10.2026 respectively.

6. Taking into consideration the peculiar facts and circumstances of the case and in view of the submissions made by the learned Additional Public Prosecutor, petitioner Nos.3 and 4/accused Nos.3 and 4 are directed to appear before the Investigating Officer on or before 21.11.2026 and on such appearance, the Investigating Officer is directed to scrupulously follow the due procedure as contemplated under the provisions of the BNSS and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar** (supra). It is needless to mention that the petitioners are entitled to put forth their grievance before the Investigating Officer by raising all the pleas which are available to them and they are also entitled to submit the documents, which are in their possession. The petitioners shall cooperate with the investigation.

7. With the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- L. USHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief Judicial Magistrate at Hyderabad.
2. The Station House Officer, Charminar Police Station, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Veera Babu Gandu, Advocate [OPUC]
5. Two CD Copies

GNK

HIGH COURT

DATED: 13/11/2026



ORDER

CRLP.No.18864 of 2026

DISPOSING OF THE CRIMINAL PETITION

(8)

kpo
19/11/26