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: 18927 OF 2026

Between:

1. Hitesh Ramesh Jain, S/o.Ramesh Kumar Otarmal Jain, aged about 44 years, Occ. Business, R/o.H.No.2-3-450, Flat No.303, Block-B, Sri Sai Residency, Nallagutta, Secunderabad.
2. Jatin Jain, S/o. Ramesh Kumar Otarmal Jain, aged about 40 years, Occ. Business, R/o.H.No.2-3-450, Flat No.303, Block-B, Sri Sai Residency, Nallagutta, Secunderabad.

...Petitioners/Accused 1 and 2

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court at Hyderabad.

...Respondent/Complainant

2. Shaik Mohiuddin, S/o. Shaik Hussain, aged about 63 years, Occ. Business, R/o.H.No.13-4-58/29/A/2, Pannipura, Karwan, Hyderabad-500067.

...Respondent/Defacto-Complainant

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 call for the records relating to in connection with Cr.No.156/2025 of P.S.Central Crime Station, Hyderabad, and quash the same against the petitioners herein.

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 all further proceedings including arrest of the petitioners in Cr.No.156/2025 of P.S.Central Crime Station, Hyderabad, pending disposal of quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Y. Kalyan, learned counsel representing Sri Mohd Moin Ahmed Quadri, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the Respondent No.1 and 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.18927 of 2026
(CNR No. HBHC010790332026)

Date: 13.11.2026

Between:

Hitesh Ramesh Jain and another.

...Petitioners/Accused Nos.1 and 2

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 and 2 seeking to quash the proceedings in Crime No.156 of 2025 of Central Crime Station, Hyderabad, registered for the offence punishable under Section 420 of the Indian Penal Code, 1860 (for short 'the IPC').

2. Heard Mr. Y.Kalyan, learned counsel, representing Mr. Mohd. Moin Ahmed Quadri, 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. The allegations levelled in the complaint are purely civil in nature arising out of loan transactions. Even according to the allegations levelled in the complaint, the alleged allegations are pertaining to April 2019 and respondent No.2 filed the present complaint on 28.11.2025, i.e. after a long lapse of time, without assigning any reasons.

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 the petitioners with a dishonest intention from the date of inception cheated respondent No.2 to a tune of Rs.2.47 Crores. Whether the allegations levelled in the complaint are true or not, the same will be revealed during the course of investigation, especially 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 41-A of the Cr.P.C. in respect of petitioner No.1/accused No.1 on 07.01.2026 and that when the Investigating Officer wants to follow the very same procedure in respect of petitioner No.2/accused No.2, he is avoiding to receive the notice and not cooperating with the investigation. Hence, the petitioners are not entitled to seek quashing of the proceedings.

5. The learned counsel for the petitioners by way of reply submitted that the petitioner No.2 will cooperate with the investigation.

6. 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 the petitioners cheated respondent No.2 to a tune of Rs.2.47 Crores.

Whether the allegations levelled against the petitioners in the complaint are true or not, the same will be revealed during the course of investigation, especially 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 41-A of the Cr.P.C. in respect of petitioner No.1 on 07.01.2026 and the Investigating Officer wants to follow the very same procedure in respect of the petitioner No.2/accused No.2.

7. Taking into consideration the peculiar facts and circumstances of the case and in view of the submissions made by the learned Additional Public Prosecutor, the petitioner No.2/accused No.2 is 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). In respect of petitioner No.1 is concerned, the Investigating Officer had already served notice under Section 35(3) of the BNSS. 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.

8. With the above directions, 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 XII Additional Chief Judicial Magistrate at Nampally.
2. The Station House Officer, Central Crime Station, Hyderabad
3. The Station House Officer, INSP ADMIN (DD), Hyderabad.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
5. One CC to Sri Mohd Moin Ahmed Quadri, Advocate [OPUC]
6. Two CD Copies

GNK/KAM

HIGH COURT

DATED: 13/11/2026

ORDER

CRLP.No.18927 of 2026



DISPOSING OF THE CRIMINAL PETITION

19/11/26