

(SHOW CAUSE NOTICE BEFORE ADMISSION)
THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE ELEVENTH DAY OF MARCH

TWO THOUSAND AND TWENTY SIX

:PRESENT:
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 3559 OF 2026

Between:

1. Smt. Mohd. Humeera Begum, W/o. Mohammed Azam
2. Smt. P.Srilatha, W/o. P.Srinivas Reddy
3. Smt. Shaheen Begum, W/o. Mohammed Ghouseddin,
4. Mohd. Azeemuddin, S/o. Mohammed Tajuddin,
5. Mohd. Maqdoom Ali, S/o. Mohammed Vazeer Ali
6. Mohd. Yousuf, S/o. Vazeer Ali,

Petitioners/Accused No.2 to 7

AND

1. The State of Telangana, Represented by Public Prosecutor, High Court of Judicature
2. Smt. Tanniyath, W/o. late Syed Qutubuddin Ali Khan, R/o. H.No.16-1-18/13, Rose Land Colony, Saidabad, Hyderabad - 500059

Respondents/De-facto Complainant

WHEREAS the Petitioners above named through their Advocate DR. KADIRE KRISHNAIAH presented this Petition under Section 528 OF B.N.S.S., praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to Quash the proceedings in Crime No.01/2026 for the alleged offences U/Sec. 336(3), 318(4), 319, 338, 340(2), 61(2) r/w 3(5) BNS on the file of P.S. Mominpet against the petitioners/accused No.2 to 7.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of DR. KADIRE KRISHNAIAH Advocate for the Petitioners and Additional Public Prosecutor for the Respondent No.1 directed issue of notice to the Respondent No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Smt. Tanniyath, W/o. late Syed Qutubuddin Ali Khan, R/o. H.No.16-1-18/13, Rose Land Colony, Saidabad, Hyderabad – 500059.

are directed to show cause on or before 27.04.2026 to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted.

IA NO: 2 OF 2026

Petition under Section 528 OF B.N.S.S., praying that in the circumstances stated in the grounds filed in support of the criminal petition, the High Court may be pleased to stay all further proceedings including arrest of the Petitioners/Accused No.2 to 7 in connection with Crime No.01/2026 for the alleged offences U/Sec. 336(3), 318(4), 319, 338, 340(2), 61(2) r/w 3(5) BNS on the file of P.S. Mominpet, pending disposal of the main petition for quashing the same.

**The Court made the following:
ORDER:**

Notice before admission.

Learned Additional Public Prosecutor takes notice on behalf of respondent No.1.

Learned counsel for the petitioners is permitted to take out personal notice to respondent No.2 by way of Speed Post with Acknowledgment Due and file proof of service.

Dr.Kadiri Krishnaiah, learned counsel for the petitioner, submits that the petitioners have not committed the alleged offences and has been falsely implicated in the present crime. He further submits that the petitioner purchased the property from accused No.1 through a registered sale deed by paying valuable sale consideration and they are bone fide purchasers. The petitioners names were mutated in the revenue records and pattadhar pass books were also issued. The entire allegations of forgery are against accused No.1. Even according to the allegations made in the complaint, the ingredients of the offences under Sections 336(3), 318(4), 319, 338, 340(2), 61(2) r/w 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') are not attracted against the petitioner. He further submitted that the offences under Section 336(3), 318(4), 319, 340(2), 61(2) r/w 3(5) of the BNS are

punishable with imprisonment of less than seven years. He further submitted that 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 Supreme Court in *Arnesh Kumar Vs. State of Bihar*¹, is proceeding further in the matter and the same is contrary to law.

Taking into consideration the above submissions, this Court is of the *prima facie* view that there is force in the submissions made by the learned counsel for the petitioner. Even according to the allegations made in the complaint, the ingredients of the offence under Section 338 of the BNS are not attracted against the petitioner. However, this Court would not be justified in granting a stay of further investigation pending the proceedings under Section 528 of the BNSS.

Hence, the Investigating Officer is directed to follow the due procedure as contemplated under the provisions of the BNSS, insofar as petitioners/accused Nos.2 to 7 is concerned.

Post on 27.04.2026.

//TRUE COPY//

Sd/- P.GOWRI SHANKAR
DEPUTY REGISTRAR


SECTION OFFICER

To,

1. The Addl. Judicial First Class Magistrate at Vikarabad.
2. The Station House Officer, Mominpet Police Station, Vikarabad.
3. Smt. Tanniyath,, W/o. late Syed Qutubuddin Ali Khan R/o. H.No.16-1-18/13, Rose Land Colony, Saidabad, Hyderabad - 500059 (by SPAD- along with a copy of petition and memorandum of grounds)
4. One CC to DR. KADIRE KRISHNAIAH Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court at Hyderabad (OUT)
6. **One spare copy**

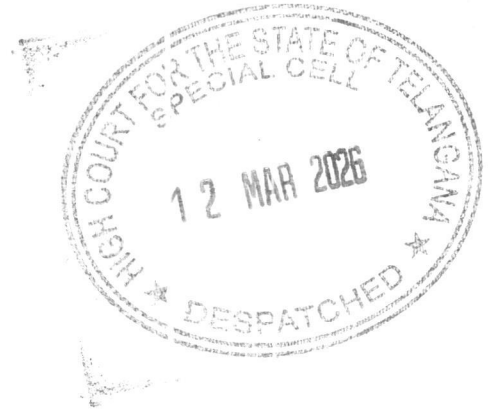
¹(2014) 8 SCC 273

HIGH COURT

JSR,J

DATED:11/03/2026

POST ON 27 04.2026



NOTICE BEFORE ADMISSION

CRLP.No.3559 of 2026

DIRECTION