

(SHOW CAUSE NOTICE BEFORE ADMISSION)  
IN 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: 3499 OF 2026

**Between:**

1. Mohammed Furqhan, s/o. Mohammed Qizer,
2. Mohammed Bilal, s/o. Mohammed Khizar,
3. Mohd Aqeel, s/o. Mohd Suleman,
4. Mohammed Jafar, s/o. Mohammed Khamar,
5. Mohammed Imran, s/o. Mohammed Suleman,
6. Mohammed Ajmal, s/o. Mohammed Mohinoddin,
7. Mohammed Sufiyan Ahmed, s/o. Mohammed Gulam Rasool,
8. Mohammed Hamad, s/o. Mohammed Khaleel,

**Petitioners/Accused Nos.1 to 8**

**AND**

1. State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad through SHO PS Rudrur, Nizamabad District.
2. Gouti Kalyani, w/o. Gangadher, Occ. Advocate, R/o. H.No.1-2-100/146/1, JNC Colony, Rudrur Village and Mandal, Nizamabad District.

**Respondents/Complainant**

WHEREAS the Petitioners above named through their Advocate SRI K DURGA PRASAD 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 FIR No.21 of 2026 on the file of PS Rudrur, Nizamabad District, dated 22-02-2026, for the offences registered U/s. 292, 118(1), 351 (2), r/w. 3(5) BNS.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of SRI K DURGA PRASAD Advocate for the Petitioners, and 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:

Gouti Kalyani, w/o. Gangadher, Occ. Advocate, R/o. H.No.1-2-100/146/1, JNC Colony, Rudrur Village and Rudrur Mandal, Nizam abad District.

are directed to show cause on or before 20.07.2026 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 in FIR No.21 of 2026 on the file of PS Rudrur, Nizamabad District, dated 22-02-2026, for the offences registered U/s. 292, 118(1), 351 (2), r/w. 3(5) ENS, including arrest of the Petitioners, pending disposal of the main Criminal Petition.

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

**Notice before admission.**

**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.**

**Mr. K. Durga Prasad, learned counsel for the petitioners submits that the petitioners have not committed the alleged offences and have been falsely implicated in the present case. Even according to the allegations made in the complaint, the ingredients for the offences under sections 292, 118(1), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS'), are not attracted against the petitioners and the imprisonment for the said offences is below 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*<sup>1</sup>, is proceeding further in the matter and the same is contrary to law.**

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<sup>1</sup>(2014) 8 SCC 273

Learned Additional Public Prosecutor submits that subsequent to registration of crime, the offences were altered and other offences under Sections 74, 79, and 115(2) of BNS were also added and the investigation is under progress. Even according to the other included offences also, the imprisonment for the said offences is below seven years.

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 petitioners. 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 are concerned.

Post on 20.07.2026.

Sd/- K.BHAVANI SWAMY  
ASSISTANT REGISTRAR

//TRUE COPY//

  
SECTION OFFICER

To,

1. The Station House Officer, Rudrur Police Station, Nizamabad.
2. Gouti Kalyani, w/o. Gangadher, Occ. Advocate, R/o. H.No.1-2-100/146/1, JNC Colony, Rudrur Village and Rudrur Mandal, Nizamabad District. (by SPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI. K DURGA PRASAD Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court at Hyderabad (OUT)
5. **One spare copy**

**HIGH COURT**

**JSR,J**

**DATED:11/03/2026**

**POST ON 20.07.2026**



**NOTICE BEFORE ADMISSION**

**CRLP.No.3499 of 2026**

**DIRECTION**