

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 1639 OF 2026

BETWEEN:

C. Lokesh, S/o. C. Rajashekar, Age: 20 years, Occ: Student, R/o. Nagole,
Hyderabad, Telangana State.

...Petitioner/Accused No.2

AND

1. The State of Telangana, through S.H.O. PS. Afzalgunj, Hyderabad, rep. by
Public Prosecutor, High Court, Hyderabad.

...Respondent No.1/Complainant

2. Sri Kursheed Ahmed Khan, HC 5764, Age: not known years, Occ: Head
Constable, R/o. PS Afzalgunj, Hyderabad, Telangana State.

...Respondent No.2/De-facto Complainant

Petition under Section 528 of the BNSS 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 and quash the proceedings in C.C. No. 15413 of 2024 on the file of the II Additional Chief Judicial Magistrate at Hyderabad.

I.A. NO: 1 OF 2026

Petition under Section 528 of the BNSS 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 C.C. No.15413 of 2024 on the file of the II Additional Chief Judicial Magistrate at Hyderabad, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M. Narasimulu, Advocate for the Petitioner 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.1639 of 2026

Date: 10.02.2026

Between:

C.Lokesh

...Petitioner

AND

The State of Telangana, through S.H.O.
PS. afzalgunj, Hyderabad,
rep. by Public Prosecutor,
High Court, Hyderabad and another

..Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused No.2 seeking to quash the proceedings in C.C.No.15413 of 2024, on the file of II Additional Chief Judicial Magistrate, Hyderabad.

2. Brief facts of the case are that respondent No.2-Head Constable, lodged a complaint against the accused stating that when he along with his staff are conducting vehicle checking at Putlibowli Junction, Hyderabad, he noticed that the vehicles were

moving without affixing number plates and drove their vehicles in rash and negligent manner with an intention to escape from the clutches of police and escape from the traffic challans. Therefore, respondent No.2, seized the vehicles and brought them to police station. Thereafter, a case was registered: *vide* Crime No.318 of 2024, for the offences punishable under Section 318 (4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 80(a), 177 and 196 of the Motor Vehicle Act, 1988 (for short 'the Act').

3. Heard Mr.N.Narsimulu, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and allegations levelled against him by respondent No.2, do not constitute any offence. He further submitted that to attract Section 318(4) of the BNS, the accused has to cheat and dishonestly induce the victim to deliver any property to any person or make, alter or destroy a part of valuable property. In the present case, it is nowhere mentioned that the

subject vehicle belongs to respondent No.2 or that he has been cheated just for travelling without number plate. Therefore, the offence punishable under Section 318(4) of the BNS does not constitute. He further submitted that Section 80 a) of the Act prescribes for exhibition of Registration number. The said section does not provide for any punishment. Further, it is nowhere mentioned in the Act for driving vehicle is an offence without number plate. Therefore, he prayed the Court to quash the proceedings against the petitioner.

5. *Per contra*, learned Additional Public Prosecutor submitted that the allegations levelled against the petitioner are disputed questions of facts and the same requires trial. Hence, the present Criminal Petition is liable to be dismissed.

6. Taking into consideration the submissions made by the respective parties and upon perusal of the material available on record, it reveals that the only allegation against the petitioner is that he drove the vehicle without number plate, as such, the vehicle was seized, which does not come under the purview of Section 318(4) of the BNS. Further, the petitioner was also charged for the

offences punishable under Sections 80(a), 177 and 196 of the Act. Further, if the petitioner drove the vehicle without any number plate, the Police have to impose fine against the petitioner as per the rules or register the case under the concerned provision. Further, the averments in the complaint does not constitute the offences as alleged against the petitioner. Hence, the proceedings against the petitioner are liable to be quashed.

7. Accordingly, the criminal petition is allowed and the proceedings against the petitioner in C.C.No.15413 of 2024, on the file of II Additional Chief Judicial Magistrate, Hyderabad, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- MOMINA MEHAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Chief Judicial Magistrate, Hyderabad
2. The Station House Officer, Afzalgunj Police Station, Hyderabad District.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad
4. One CC to Sri M Narasimulu, Advocate [OPUC]
5. Two CD Copies

GNK/kam, SK -

HIGH COURT

DATED: 10/02/2026

ORDER

CRLP.No.1639 of 2026



ALLOWING THE CRIMINAL PETITION

SK
19/2/26