

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

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

**PRESENT**

**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**CRIMINAL PETITION NO: 1880 OF 2026**

**Between:**

1. Gopal Kishan Agarwal, S/o. Satyanarayan Agarwal aged about 59 years, Occ: Business
2. Mrs. Rashmi Agarwal, W/o. Gopal Kishan Agarwal aged about 54 years, Occ: Household
3. Rishi Agarwal, S/o. Gopal Kishan Agarwal aged about 29 years, Occ: Business
4. Shlok Agarwal, S/o. Gopal Kishan Agarwal aged about 24 years, Occ: Business, Petitioner No.1 to 4 are the residents of R/o. H No.9-7-198, Flat No.302, Navkar Prathul Residency, Sai Sagar Enclave, Hasmathpet, Medchal Malkajgiri District -09
5. M/s. Bhagyanagar Industries Pvt Ltd., Rep by its Director Mr. Rishi Agarwal having its office at 1-8-32/5, 2nd floor, Babu Bagh Colony, PG Road, Secbad-03.
6. M/s. RRS Industries Pvt Ltd., Rep by its Director Mr. Rishi Agarwal having its office at 1-8-32/5, 2nd floor, Babu Bagh Colony, PG Road, Sec'bad-03.
7. M/s. Geekay Steel Corporation, Rep by its Proprietor Mr. Gopal Kishan Agarwal having its office at 1-8-32/5, 2nd floor, Babu Bagh Colony, PG Road, Secbad-03.
8. M/s. Bhagya Nagar Strips Pvt Ltd, Rep by its Director Mr. Rishi Agarwal having its office at 1-8-32/5, 2nd floor, Babu Bagh Colony, PG Road, Secbad-03.

**...Petitioners/Accused No. 1 to 4 & 7 to 10**

**AND**

1. The State of Telangana, through PS EOW Cybderabad at Gachibowli
2. The Inspector of Police, EOW PS, Cybderabad at Gachibowli

3. M/s. IKF Finance Ltd., Rep by its Legal Manager Mr. Karanika Swamy having its office at 11th Floor, Tower-3, Equinox by Pheonix, Survey No.53, Lumbini Avenue, Raidurg, Rangareddy District
4. Mr. Rikkala Mahender Reddy, S/o.Narsi Reddy, aged 35 years, Occ: Business, R/o. H No.1-65, Yellagiri Village, Choutuppal Mandal, Yadadri-Bhongir District
5. Puppala Kalyan Prasad, S/o. Late Puppala Uma Maheshwar Rao aged about 41 years, Occ: Business, R/o. H No.12-12-23/A, Ravindra nagar, Seethaphal Mandi, Secunderabad -61.

(R4 and R5 are not necessary parties)

**...Respondents/Defacto Complainant/ Accused No.5 & 6**

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the notices dated 07/02/2026 issued by the respondent no.2 under FIR No.07/2026 to petitioner no.1 to 4 under section 179 of BNSS.

**I.A. NO: 2 OF 2026**

Petition under Section 528 of 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 notice dated 07.02.2026 under section 179 BNSS issued by the respondent no.2 in FIR No.07/2026 pending disposal of the main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Sivaraju Srinivas, Senior Counsel representing Sri N Vinesh Raj, Advocate for the Petitioners and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1.

**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.1880 of 2026**

**Date: 13.02.2026**

Between:

Gopal Krishna Agarwal and seven others

...petitioner

AND

The State of Telangana, Through PS EOW  
Cyberabad at Gachibowli and four others

...respondents

**ORDER**

This Criminal Petition is filed seeking to quash the notices dated 07.02.2026 issue by respondent No.2 under F.I.R.No.7 of 2026 to petitioner Nos.1 to 4 under Section 179 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS').

2. Heard Mr. Sivaraju Srinivas, learned Senior Counsel representing Mr. N. Vinesh Raj, learned counsel for the petitioners and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. Learned Senior counsel appearing 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 made in the complaint, the ingredients for the offences under Sections 318(4), 316(2) read with 61(2) of BNS are not attracted against the petitioners. The offences leveled against the petitioners are punishable with imprisonment of less than seven years. However, the Investigating Officer, without following the mandatory procedure prescribed under Section 35(3) of BNSS, the guidelines issued by the Apex Court in **Arnesh Kumar Vs. State of Bihar**<sup>1</sup>, the principles laid down by the Apex Court in *Md. Asfak Alam v. The State of Jharkhand & anr.* (Crl.A.No.2207 of 2023) dated 31.07.2023, and also the circular issued by this Court in ROC.No.1399/SO/2023 dated 09.08.2023, is proceeding with the investigation and the same is contrary to law.

4. He further submitted that the Investigating Officer issued notice under Section 179 of BNSS to the petitioners on 07.02.2026 directing the petitioners to appear before the Investigating Officer along with relevant documents for the purpose of investigation, which is contrary to the provisions of Section 179 of BNSS. The notice under Section 179 of BNSS ought not to have issued to the accused persons. The Investigating Officer is entitled to issue notice to the

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

witnesses or any other person, not to the accused. Hence the impugned notice under Section 179 of BNSS on 07.02.2026 is liable to be set aside.

5. *Per contra*, the learned Additional Public Prosecutor basing upon the instructions given by the Inspector of Police, PS EOW Cyberabad at Gachibowli, who is physically present before the Court submitted that the Investigating Officer inadvertently issued the notice under Section 179 of BNSS, instead of issuing notice under Section 35(3) of BNSS. He further submitted that the Investigating Officer will issue notice under Section 35(3) of BNSS and requested this Court that the petitioners may be directed to cooperate with the investigation.

6. The learned Senior Counsel appearing for the petitioners has not opposed the above said submissions.

7. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, without going into the other aspects of the case, this Court is of the considered view that the impugned notice under Section 179 of BNSS on 07.02.2026 to the petitioners/accused Nos.1 to 4 is not permissible and the same is liable to be set aside. However, the

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Investigating Officer is granted liberty to proceed with the matter in accordance with the provisions of BNSS.

8. Subject to the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

Sd/- AHMED ABDULLA KHAN  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Junior Civil Judge cum Metropolitan Magistrate, LB Nagar, Ranga Reddy
2. The Station House Officer, EOW Cyb(Cyberabad) Police Station, Cyberabad
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
4. One CC to Sri N Vinesh Raj, Advocate [OPUC]
5. Two CD Copies

ABK/kam

(SK)

HIGH COURT

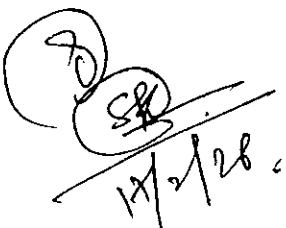
DATED: 13/02/2026

ORDER

CRLP.No.1880 of 2026



DISPOSING OF THE CRIMINAL PETITION

Handwritten signature and date "13/2/26".