

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

THURSDAY, THE TWENTY SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 4460 OF 2026

Between:

MD Salmanuddin, S/o MD Fahimuddin, Aged about 28 years, Occ. Electrical Technician, R/o. HNo.5-5-193, Gunj Street, Jagtial Mandal, Jagtial District.

...Petitioner/Accused No.7

AND

1. The State of Telangana, Through S.H.O, P.S. Jagtial Town, Rep by its Public Prosecutor, High Court at Hyderabad.
2. R Prakash, S/o Not Known, Aged about not known, Occ. Inspector of Police, R/o. Inspector of Police, P.S Jagtial Town, Jagtial, Jagtial District.

...Respondents/De-facto Complainant

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 proceedings against the petitioner in C.C.No.1123 of 2021 on the file of the I Additional Judicial First Class Magistrate at Jagtial, Jagtial District, for the offences Punishable U/s. 143, 153-A, 186, 187, 120-B r/w 109, 149 of IPC.

I.A. NO: 1 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 against the petitioner including appearance of the Petitioner/ Accused No's 07 herein in C.C.No.1123 of 2021 on the file of I Additional Judicial First Class Magistrate at Jagtial, Jagtial District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Jameel Ahmed Md , Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of 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.4460 of 2026

Date: 26.03.2026

Between:

MD Salmanuddin

...Petitioner

AND

The State of Telangana,
Through S.H.O., P.S. Jagtial Town,
Rep by its Public Prosecutor,
High Court at Hyderabad and another

...Respondents

ORDER

This Criminal Petition is filed by the petitioner/accused No.7, seeking to quash the proceedings in C.C.No.1123 of 2021 on the file of the learned I Additional Judicial Magistrate of First Class at Jagtial District.

2. Heard Mr.Jameel Ahmed MD, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1.

3. Learned counsel for the petitioner submits that accused Nos. 1 to 6, 8, 9, 11, 12, and 13 approached this Court by filing CrI.P.No.1337 of 2025, seeking to quash the very same proceedings in C.C.No.1123 of 2021 on the file of the learned I Additional Judicial Magistrate of First Class, Jagtial District. This

Court, by order dated 31.01.2025, allowed the said criminal petition and quashed the proceedings against the petitioners therein. He further submits that the petitioner herein is also entitled to the same relief.

4. Learned Additional Public Prosecutor has not opposed the submissions made by the learned counsel for petitioner.

5. Taking into consideration the submissions made by the respective parties and the order passed by this Court in Crl.P.No.1337 of 2025, dated 31.01.2025, this criminal petition is allowed. The proceedings against the petitioner/accused No.7 in C.C.No.1123 of 2021 on the file of the learned I Additional Judicial Magistrate of First Class at Jagtial District, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/- V.HARI PRASAD
DEPUTY REGISTRAR



SECTION OFFICER

To,

1. The I Additional Judicial First Class Magistrate at Jagtial, Jagtial District
2. The Station House Officer, Jagtial Town Police Station, Jagtial
3. One CC to SRI. JAMEEL AHMED MD, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

ADK/PSL

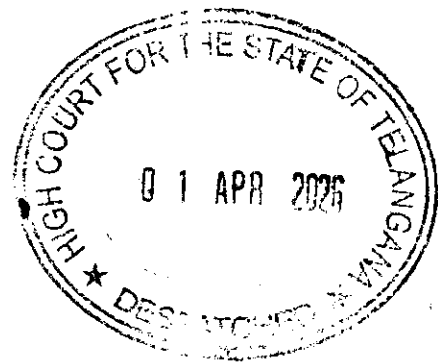


HIGH COURT

DATED: 26/03/2026

ORDER

CRLP.No.4460 of 2026



ALLOWING THE CRLP

⑧-JKS
1/4/26.

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.1337 of 2025

ORDER :

This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, by the petitioners/accused Nos.1 to 9 and 11 to 13 to quash the proceedings against them in C.C.No.1123 of 2021 on the file of I Additional Judicial Magistrate of First Class, Jagtial District, pertaining to Crime No.189 of 2018 of P.S. Jagtial Town, registered for the offences punishable under Sections 143, 153-A, 186, 187, 120-B read with 109, 149 of Indian Penal Code (for short 'IPC').

2. Heard Mr. Shaik Muhammed Abed, learned counsel for petitioners as well as Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. Basing on the complaint dated 15.07.2018 lodged by the 2nd respondent-the Inspector of Police, Jagtial Police Station, that the petitioners/accused Nos. 1 to 9 and 11 to 13, who are the office bearers of Popular Front of India, Jagtial, have

organized a meeting with the activists of PFI, hatched a plan with criminal conspiracy to attack on SFI students as well as Hindu Community by promoting enmity between regional groups and likely to disturb the public tranquility etc. The owner of the function hall abated the PFI activists to organize the said meeting in the function hall and not cooperated to the public servants. As per the instructions of superior officers, inspector of police registered a case in Cr.No 89 of 2018. After completion of investigation, charge sheet was filed, cognizance was taken and the case was numbered as C.C.No.1123 of 2021.

4. Learned counsel appearing for petitioners submits that the petitioners are innocent and have been falsely implicated in the case. He further submits that Section 195(1)(c) of Cr.P.C. is mandatory in nature, therefore, cognizance for offence under Section 186 and 187 of the IPC cannot be taken based on police report and cognizance can only be taken on the complaint in writing as defined under section 2(d) of the Code. Further the said section bars taking cognizance of the offence under Section 186 and 187 of IPC, except on the complaint in

writing of the public servant concerned or of some other public servant to whom he is administratively subordinate. Therefore, the FIR registered on the complaint made by the *de facto* complainant, who is a Police Officer, is not maintainable and the same is liable to be quashed.

5. In support of his contention, learned counsel for petitioners relied on the judgment of Hon'ble Supreme Court in *State of Karnataka v. Hemareddy*¹, wherein, at paragraph No.8, it is held as follows:

“ We agree with the view expressed by the learned Judge and hold that in cases where in the course of the same transaction an offence for which no complaint by a Court is necessary under Section 195(1) (b) of the Code of Criminal Procedure and an offence for which a complaint of a Court is necessary under that sub-section, are committed, it is not possible to split up and hold that the prosecution of the accused for the offences not mentioned in Section 195(1)(b) of the Code of Criminal Procedure should be upheld”.

(Emphasis supplied)

Hence, he prayed to quash the proceedings against the petitioners.

¹ AIR 1981 SC 1417

6. Learned Additional Public Prosecutor, on the other hand, submitted that the petitioners have also been charged with the offences other than 186 and 187 of IPC. Hence the learned Magistrate has rightly taken cognizance of the aforesaid offences against the petitioners, as such, the proceedings cannot be vitiated and the cognizance taken by the learned Magistrate cannot be said to be one without authority of Law. He further submitted that the truth or otherwise of the allegations levelled against the petitioners can only be known after conducting full-fledged trial, and hence, he prayed to dismiss the petition.

7. For the sake of convenience, Section 186, 187 of IPC and Section 195 of Cr.P.C. are extracted hereunder.

186. Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

187. Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both; and if such

assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court of Justice, or of preventing the commission of an offence, or suppressing a riot, or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

195. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence. (1) No Courts shall take cognizance-

(a) (i) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code (45 of 1860), or

(ii) of any abetment of, attempt to commit, such offence, or

(iii) of any criminal conspiracy to commit, such offence, except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate...

(b)(i) of any offence punishable under any of the following sections of the Indian Penal Code (45 of 1860), namely, sections 193 to 196 (both inclusive), 199, 200, 205 to 211 (both inclusive) and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, or

(ii) of any offence described in section 463, or punishable under section 471, section 475 or section 476 of the said Code, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any Court, or

(iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii).

8. Having heard both sides and perused the material on record, it is evident that the proceedings against the petitioners for the offences under Section 186 and 187 of IPC have been initiated, basing on the complaint made by the *de facto* complainant, who is a Police Officer, but not on the basis of complaint in writing of the public servant concerned, as is required under Section 195(1)(a) of Cr.P.C. Therefore, the proceedings against the petitioners for the offences under Section 186 and 187 of IPC are liable to be quashed. Insofar as other offences i.e., 143, 153-A 120-B read with 109, 149 of Indian Penal Code are concerned, as per the judgment of Hon'ble Supreme Court in *Hemareddy's case (supra)*, it is clear that if the offences formed part of the same transaction of the offences contemplated under Section 195 of Cr.P.C., it is not possible to split up and hold the prosecution of the petitioners. Hence, the FIR culminating in taking cognizance of the aforesaid offences against the petitioners stands vitiated and the continuation of criminal proceedings against the petitioners amounts to abuse of process of law.

9. In view of the aforesaid reasons, this Criminal Petition is allowed and the proceedings against the petitioners/accused Nos.1 to 9 and 11 to 13 in C.C.No.1123 of 2021 on the file of I Additional Judicial Magistrate of First Class, Jagtial District, are hereby quashed.

Miscellaneous applications, if any pending, shall stand closed.

JUVVADI SRIDEVI, J

Date: 31.01.2025
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