

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT FOR THE STATE OF TELANGANA, AT HYDERABAD
FRIDAY, THE SIXTH DAY OF MARCH,
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 3227 OF 2026

Between:

Pamukuntla Ravinder, S/o.P.Lakshminarayana.

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court Buildings, Hyderabad. Through the S.H.O. Saroonagar Police Station, Ranga Reddy District.
2. Lingala Rajalingam, S/o. Late Jagadeeshwar, aged about 68 years, Occ. Retd. Employee, R/o. H. No. 10-1-206/3, Road No. 5, Tapovan Colony, Karmanghat, Saroonager, Hyderabad- 500 035.

...Respondent/Defacto Complainant

WHEREAS the Petitioner above named through his Advocate Sri P SAJAN KUMAR presented this Petition under Section 528 of BNSS, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to call for the records in F.I.R. No. 1270 of 2025, dated 20-12-2025 on the file of S.H.O Saroonagar Police Station, Ranga Reddy District offences under Sec 406, 420 of IPC against the Petitioner herein and quash the same.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri P SAJAN KUMAR Advocate for the Petitioner, directed issue of notice to the Respondent No.2 to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Lingala Rajalingam, S/o.Late Jagadeeshwar, aged about 68 years, Occ. Retd. Employee, R/o.H. No. 10-1-206/3, Road No. 5, Tapovan Colony, Karmanghat, Saroonager, Hyderabad-500 035.

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 BNSS, praying that in the circumstances stated in the grounds filed in support of the criminal petition, the High Court may be pleased to grant stay of all further proceedings in connection with F.I.R.No. 1270 of 2025, dated 20-12-2025 on the file of S.H.O Saroonagar Police Station Ranga Reddy District, pending disposal of CRLP No. 3227 of 2026, on the file of the High Court.

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.

Mr. S. Ramesh, learned counsel representing Sri P. Sajan Kumar, learned counsel for the petitioner submits that the petitioner has not committed the alleged offences and has been falsely implicated in the present case. The allegations is purely civil in nature in respect of agreement of sale. Respondent No.2 ought to have approach the competent Civil Court, filed a suit for specific performance of an agreement of sale. On the other hand, he filed the present complaint by giving it a criminal color under Sections 406 and 420 of the Indian Penal Code, 1860 (for short "IPC"). He further relied on the Judgment of the Hon'ble Supreme Court in Delhi Race Club (1940) Ltd. & Ors vs. State of Uttar Pradesh & Anr[(2024) 10 SCC 690], wherein it was held that both the offences of cheating and criminal breach of trust cannot go together. Hence the continuation of proceedings against the petitioner is a clear abuse of process law.

Learned counsel further submits that the offences leveled against the petitioner is 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[(2014) 8 SCC 273], is proceeding further in the matter and the same is contrary is 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 petitioners. However, this Court would not be justified in granting a stay of further investigation pending the proceeding under Section 528 of BNSS.

Hence, the Investigating Officer is directed to follow the due procedure as contemplated under the provisions of the BNSS, insofar as petitioner is concerned.

Post on 27.04.2026.

Sd/- AVS PRASAD
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Special Judicial Magistrate of First Class (Excise)-cum-V Additional Junior Civil Judge-cum-V Additional Metropolitan Magistrate Ranga Reddy District at L.B. Nagar
2. The Station House Officer, Saroornagar Police Station, Rachakonda District
3. Lingala Rajalingam, S/o.Late Jagadeeshwar, aged about 68 years, Occ. Retd. Employee, R/o.H. No. 10-1-206/3, Road No. 5, Tapovan Colony, Karmanghat, Saroornager, Hyderabad- 500 035 (by SPAD- along with a copy of petition and memorandum of grounds)
4. One CC to SRI. P SAJAN KUMAR Advocate [OPUC]
5. One CC to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
6. One spare copy

HIGH COURT

JSRJ

DATED:06/03/2026

POST ON 27.04.2026



NOTICE BEFORE ADMISSION

CRLP.No.3227 of 2026

DIRECTION