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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1253 OF 2026

Shaikh Amjad Ahmed
Age - 39 years, Occupation - Business,
R/o. Barkat Nagar, Parali(V),
Tq. Parali (V), Dist. Beed.
(At present In Chanchalguda, Central Jail,
Jail Road, Hyderabad (Telangana State).

...PETITIONER

~VERSUS~

1. The State of Telangana
Through The Secretary,
Home Department,
Telangana Secretariat,
Hyderabad.
2. The Commissioner of Police, Hyderabad,
Hyderguda Basheerbagh Road,
Opposite Nizam Grounds and Near LB Stadium,
Basheer Bagh, Hyderabad.
(Telangana State) 500032.
3. The Officer-In-charge,
Police Station SR Nagar, Hyderarabad.
Towards Umesh Chandra Statue, SR Nagar,
Hyderabad. (Telangana State) 500038
4. The Officer-In-charge
Police Station, Sambhaji Nagar,
Parali (V), Dist. Beed.

...RESPONDENTS

Adv. Sudarshan J. Salunke for the Petitioner
Ms. M. N. Ghanekar, A.P.P. for Respondent/s - State

**CORAM : SANDIPKUMAR C. MORE AND
VAISHALI PATIL-JADHAV, JJ.**

RESERVED ON : 28.09.2026

PRONOUNCED ON : 08.10.2026

JUDGMENT [Per Vaishali Patil-Jadhav, J.] :

. The petitioner has filed the present petition under Article 226 of the Constitution of India seeking directions against Respondent Nos.1 to 3 for payment of compensation of Rs.11,00,000/- (Rupees Eleven Lakhs only) on account of his alleged illegal detention at the hands of the police authorities of the State of Telangana.

2. The facts leading to the present petition are as under:

On 06.05.2025, at about 5:30 p.m., the Petitioner, along with his friend Shaikh Zamir, went to a tea stall opposite Modern College, Parali Vajinath, Dist. Beed. At about 5:45 p.m., five to six unknown persons entered the tea stall and took the petitioner into their custody. On enquiry, the persons disclosed their identity as police personnel. They thereafter took the petitioner away in an Innova vehicle.

Shaikh Zamir informed about the same to the police, and accordingly, Crime No. 96/2025 dated 06.05.2025 was registered against unknown persons at Police Station Sambhaji Nagar, Parali Vajjnath, District Beed, for the offence punishable under Section 140(3) of the Bharatiya Nyaya Sanhita, 2023.

According to the petitioner, the police personnel attached to Respondent No.3, Police Station S.R. Nagar, Hyderabad, took him into custody on 06.05.2025 without following the mandatory procedure under Chapter V of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS, 2023”).

During the course of investigation of Crime No.96/2025, the Investigation Officer found that on 08.05.2025, the petitioner called one Shafik Dastgeer, resident of Khajbagh, Beed, and asked for 10 packets of Ganja. On 09.05.2025, the petitioner again called Shafik Dastgeer and asked him to come at Wadwani. Accordingly, Shafik Dastgeer went to Wadwani and found the petitioner in the custody of Telangana/Karnataka police personnel. A Police Inspector of Telangana/Hyderabad then called Respondent No.4 and informed him that the petitioner was

in their custody, that 12 crimes were registered against him at Hyderabad and in Telangana, and that the petitioner, being wanted, was searched for and apprehended four days earlier.

After completion of investigation, the investigating officer submitted a 'C' Summary report in Crime No.96/2025, before the learned JMFC, Parali Vajinath, District Beed, dated 04.07.2025. The Investigation Officer submitted that the petitioner was not abducted but taken into custody by the police at Hyderabad. He was arrested in connection with Crime No.314/2025 registered with Police Station S.R. Nagar, Hyderabad, for the offences punishable under Sections 20, 27, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act, 1985").

According to the petitioner, Crime No. 314/2025 was lodged by the Police Sub-Inspector of Police Station S.R. Nagar, Hyderabad on 10.05.2025. The FIR was registered for the offences punishable under Sections 8(c), 20(b)(ii)(C), 27 and 29 of the NDPS Act.

A writ of habeas corpus, bearing Criminal Writ Petition No.638/2025, was filed for the production of the

petitioner. The same was disposed of by this Court on 10.06.2025, as the petitioner was found to have been arrested in connection with Crime No.314/2025.

The petitioner then filed a complaint before the Maharashtra State Human Rights Commission alleging abduction, custodial torture and false implication in NDPS cases by the Telangana State Police which was dismissed for want of territorial and administrative jurisdiction by observing that the matter involves active criminal trials.

The petitioner was released on bail by the High Court at Hyderabad, by order dated 01.07.2025, in connection with Crime No.314/2025.

The petitioner states that without following the mandate of law, he was wrongfully restrained and confined by the officers of Respondent No. 3, SR Nagar Police Station, Hyderabad. After detention on 06.05.2025 at Parali Vajjnath, Dist. Beed, the Police Officers did not communicate to him the grounds of arrest, he was not produced before the nearest Judicial Magistrate, he was not medically examined, his arrest was not communicated to his friends or relatives, and his arrest was not communicated to the local police station at Parali Vajjnath,

Dist. Beed. Moreover, the FIR bearing Crime No. 314/2025 shows his false implication.

The petitioner has, therefore, filed the present Writ Petition to compensate him for his illegal detention, wrongful restraint and wrongful confinement.

3. Learned counsel appearing for the petitioner submitted that this Court has territorial jurisdiction to entertain the present petition under Article 226(2) of the Constitution of India, since a part of the cause of action has arisen within the territorial jurisdiction of this Court. It was submitted that the petitioner was admittedly taken from Parali Vajjnath, District Beed, and that the alleged illegal detention commenced within the State of Maharashtra. According to the learned counsel, the subsequent detention of the petitioner at the hands of the Telangana police cannot affect the initial violation of his right to personal liberty which occurred within the territorial jurisdiction of this Court.

Learned counsel for the petitioner placed reliance on the judgment of the Hon'ble Supreme Court in (i) ***Navinchandra N. Majithia Vs. State of Maharashtra***

and Others reported in **(2000) 7 SCC 640**, and (ii) **Oil and Natural Gas Commission Vs. Utpal Kumar Basu and Others** reported in **(1994) 4 SCC 711**.

4. Per contra, learned APP appearing for the respondents raised a preliminary objection to the maintainability of the present petition on the ground of territorial jurisdiction. It was submitted that the substantive grievance of the petitioner is directed against the police authorities of the State of Telangana and that the entire subsequent course of events, including registration of Crime No.314/2025, investigation, arrest, and release of the petitioner on bail, has occurred within the State of Telangana. It was further submitted that the investigation in Crime No.96/2025 registered at Parali Vajjnath resulted in a 'C' Summary report recording that the petitioner had not been abducted but had been taken into custody by the Hyderabad police in connection with Crime No.314/2025.

Learned APP placed reliance on the judgement of this Court in **Vishwanath Chintamani Potdar Vs. The State of Maharashtra and Others, Criminal Writ Petition No. 702 of 2026**, dated 21.07.2026, to contend that in identical facts, this Court has already dismissed the

petition for want of jurisdiction on the count of "cause of action".

5. Heard learned counsel Mr. Sudarshan J. Salunkhe for the petitioner and learned APP Ms. M.N. Ghanekar for the respondent-State.

6. We have considered the submissions advanced by the learned counsel for the petitioner and the learned APP.

7. While considering the objection raised by the learned APP regarding the territorial jurisdiction, it would be appropriate to refer to a decision of this Court (Coram: Sandipkumar C. More & Vaishali Patil-Jadhav, JJ.) in the case of **Vishwanath** (supra) decided on 21.07.2026, rendered on a somewhat similar issue.

8. In **Vishwanath** (supra), this Court has dealt with a similar question regarding the territorial jurisdiction of this Court under Article 226(2) of the Constitution of India. In the said case, the petitioner was taken into custody from the State of Maharashtra by the police authorities of the State of Karnataka and was thereafter taken to Karnataka. While considering the question of

territorial jurisdiction in **Vishwanath** (supra), this Court had considered the law laid down by the Hon'ble Supreme Court in **Navinchandra** (supra), as well as **Nawal Kishore Sharma v. Union of India and Others (2014) 9 SCC 329**. The scope of Article 226(2) and the meaning of the expression "cause of action" were considered by this Court and held that :-

*"7. In case of **Navinchandra N. Majithia (supra)** the Hon'ble Apex Court has held by referring clause-2 of the Article 226 of Constitution of India that the maintainability or otherwise of the writ petition in the High Court depends on whether the cause of action of filing the same arose wholly or in part within the territorial jurisdiction of that court.*

*8. On the contrary, the learned APP by placing reliance on the latest judgment of the Hon'ble Apex Court in case of **Nawal Kishore Sharma (supra)** submits that the place of cause of action wholly or in part is to be determined in the light of nature and character of the proceedings under Article 226. High Court can issue a writ if cause of action wholly or partially arises within its territorial jurisdiction even if person or authority against whom writ is issued is located outside its territorial jurisdiction. However, in order to maintain a writ petition, the petitioner has to establish that his legal right has been infringed by the respondent within the territorial limits of High Court's Jurisdiction.*

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16. The aforesaid facts clearly indicate that the petitioner has misconstrued the expression "cause of action" as per his convenience against the legal provision. Merely because the petitioner was taken from Omerga, situated in the State of Maharashtra, to the concerned police stations in the State of Karnataka, it cannot be held that any part of the cause of action arose within the territorial jurisdiction of this Court. The material on record reveals that the petitioner was taken by the Karnataka Police in connection with Crime No.123 of 2026 registered for offences punishable under Sections 331(4) and 3(5) of the Bharatiya Nyaya Sanhita. Before doing so, the Karnataka Police made the requisite entry at Omerga Police Station and the petitioner's brother was also informed of the same. Thus, the action of taking the petitioner into custody was carried out in accordance with the prescribed legal procedure. In these circumstances, the cause of action, if any, relating to the petitioner's alleged illegal detention, ill-treatment or torture may arise within the territorial jurisdiction of the State of Karnataka. By no stretch of imagination it can be held that any part of such cause of action arose within the territorial jurisdiction of this Court merely because the petitioner was taken from Omerga after compliance with the prescribed legal procedure. Consequently, the present petition fails on the ground of lack of territorial jurisdiction and is, therefore, not maintainable before this Court."

9. In the said case, this Court considered the question as to whether the mere fact that the petitioner was

taken into custody from the territorial jurisdiction of this Court would constitute a part of the cause of action so as to confer jurisdiction upon this Court under Article 226(2) of the Constitution. This Court considered the fact that the acts complained of, the subsequent custody of the petitioner and the proceedings arising therefrom were substantially connected with the State of Karnataka. The Court, therefore, declined to entertain the petition on the ground of territorial jurisdiction.

10. Although the facts of the present case are not identical but there is a material similarity inasmuch as the petitioner herein also alleges that he was taken into custody from the State of Maharashtra by the police of SR Nagar Police Station, Hyderabad and was thereafter taken to the State of Telangana. All the grievances raised by the petitioner relates to the alleged acts of the police authorities of the State of Telangana and the subsequent custody and proceedings arising therefrom except the fact that the petitioner was taken in custody by Telangana Police from Parli Vajjnath, Dist. Beed (Maharashtra).

11. Thus, merely because the petitioner alleges that he was initially taken into custody from Parali Vajjnath,

District Beed, and that the procedure prescribed by law was not followed, it cannot, in the facts of the present case, be said that whole or part of the cause of action has arisen within the territorial jurisdiction of this Court so as to invoke the powers of this Court under Article 226 (1) and (2). The position is thus, substantially covered by the view taken by this Court in **Vishwanath** (supra).

12. The reliance placed by the learned counsel for the petitioner on **Oil and Natural Gas Commission** (supra) is, in our considered view, misplaced. In that case, the tender was floated at New Delhi, the work was to be executed at Hazira in the State of Gujarat, and the offers were to be submitted at New Delhi. The scrutiny of bids and the final decision were also taken at New Delhi. NICCO, the original writ petitioner, had merely read the advertisement and submitted its bid from Calcutta. On these facts, the Supreme Court held that no part of the cause of action had arisen within the jurisdiction of the Calcutta High Court. While allowing the appeal and setting aside the order of the Calcutta High Court, the Supreme Court not only held that the High Court approached by the petitioner had no jurisdiction but also imposed costs of Rs. 50,000/- on

NICCO, the original writ petitioner, for having invoked that jurisdiction when no part of the cause of action had arisen within it.

In the present case, the petitioner alleges that he was picked from Parali Vajjnath, District Beed, in the State of Maharashtra. Except for the fact that the petitioner was taken into custody from the State of Maharashtra, no act forming part of the cause of action took place within the territorial jurisdiction of this Court. The registration of the crime, the investigation, and the arrest were effected in the State of Telangana, and the petitioner was released on bail by the High Court at Hyderabad. None of these acts, therefore, falls within the territorial jurisdiction of this Court. The decision in ***Oil and Natural Gas Commission*** (supra), therefore, does not assist the petitioner; if anything, the observations therein support the objection to maintainability raised by the respondents.

13. We, therefore, find no reason to take a different view in the present case.

14. In view of the above, we hold that the present petition cannot be entertained by this Court for want of

territorial jurisdiction under Article 226(2) of the Constitution of India.

15. We make it clear that we have not expressed any opinion on the merits of the allegations made by the petitioner regarding illegal detention, wrongful restraint, wrongful confinement or non-compliance with the statutory safeguards governing arrest. All such contentions are left open to be urged before the competent court in accordance with law.

16. The Criminal Writ Petition is, accordingly, dismissed.

17. No order as to costs.

[VAISHALI PATIL-JADHAV]
JUDGE

[SANDIPKUMAR C. MORE]
JUDGE