

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 18806 OF 2026

Between:

1. Durva Shankar, S/o Sakaram, Aged about 72 years, Occ: Rtd Tahsildar, R/o- 3-327, Sandeepnagar, Asifabad. Adilabad District.
2. Dhurva Vijayalakshmi, W/o. Durva Shankar Aged about 60 years, Occ- Housewife, R/o. 3-327, Sandeepnagar, Asifabad. Adilabad District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat Buildings , Hyderabad
2. The Director General of Police, State of Telangana, Hyderabad.
3. The Superintendent of Police, Asifabad, Kumarabheem-Asifabad District.
4. The Station House Officer, Asifabad Police Station, Kumarabheem-Asifabad District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ order or direction more particularly, one in the Nature of Writ of Mandamus, declaring the action of the respondent No.3 in threatening to arrest the petitioner in connection with Crime No.223 of 2026 on the file of Asifabad Police Station, Kumuram Bheem-Asifabad District, without following the due procedure established by law, as illegal, arbitrary, unconstitutional and violative of the petitioners fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India, and consequently direct the respondent No.3 to strictly adhere

to the provisions of the B.N.S.S, 2023, and the law laid down by the Honorable Supreme Court while conducting the investigation and before taking any coercive steps against the petitioner.

I.A. NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No.3 not to take any coercive steps, including arrest of the petitioner, in connection with Crime No.223 of 2026 on the file of Asifabad Police Station, Kumuram Bheem-Asifabad District, except by strictly following the due procedure established by law and the safeguards contemplated under the B.N.S.S, 2023 and the law laid down by the Hon'ble Supreme Court of India, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI NARESH VERMA BAVANDLAPELLI

Counsel for the Respondents: GP FOR HOME

The Court made the following: ORDER

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

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION NO.18806 OF 2026

DATED : 17.06.2026

Between:

Durva Shankar and another

... Petitioners

AND

The State of Telangana rep. by its Principal
Secretary, Home Department, Secretariat
Buildings, Hyderabad and others

... Respondents

ORDER

The petitioners have filed this Writ Petition apprehending arrest by the respondents in connection with Crime No.223 of 2026 on the file of Asifabad Police Station, Kumrambheem-Asifabad District without following the due process of law as laid down by the Hon'ble Supreme Court of India in the case of *Arnesh Kumar Vs. State of Bihar and others* (AIR 2014 SC 2756).

2. It is submitted that the offences under which the FIR has been registered are Sections 329(3), 324(4), 351(2) read with Section 3(5) of BNS and all these offences prescribe punishment of less than seven (7) years and therefore, a notice under Section 35(3) of BNSS has to be issued.

3. Learned Assistant Government Pleader for Home has received written instructions and it is submitted that there were three (3) crimes registered against the 1st petitioner and others and the investigation thereon is going on.

4. Learned counsel for the petitioners submitted that in respect of those three crimes also, though the offences involved prescribe punishment of less than seven (7) years, instead of giving notices under Section 35(3) of BNSS, the 1st petitioner has been arrested and remanded to judicial custody and therefore, he had to obtain bail from this Court in Criminal Petition No.5531 of 2026 *vide* order dt.16.04.2026. He submitted that in view of these circumstances, the petitioners apprehend that the respondents may not follow the provisions of law and they may arrest the petitioners herein in the subject crime.

5. Taking the above submissions into consideration and particularly since the offences under which Crime No.223 of 2026 on the file of Asifabad Police Station has been registered prescribe punishment of less than seven (7) years, the respondents are directed to issue notice under Section 35(3) of BNSS to the petitioners and consider the explanation, if any, submitted by them and take action thereon in accordance with law.
6. The Writ Petition is accordingly disposed of. No order as to costs.
7. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

//TRUE COPY//

**SD/-M. OSMAN ALI BAIG
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, Secretariat Buildings , Hyderabad
2. The Director General of Police, State of Telangana, Hyderabad.
3. The Superintendent of Police, Asifabad, Kumarabheem-Asifabad District.
4. The Station House Officer, Asifabad Police Station, Kumarabheem-Asifabad District.
5. One CC to SRI NARESH VERMA BAVANDLAPELLI, Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad [OUT]
7. Two CD Copies

PMK
BS



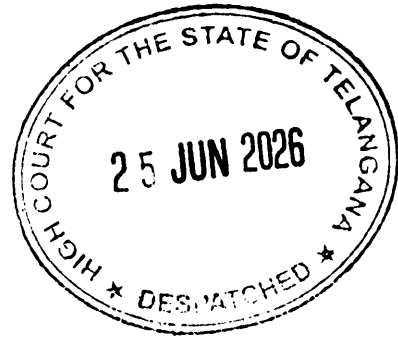
HIGH COURT

CC TODAY

DATED: 17/06/2026

ORDER

WP.No.18806 of 2026



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(10) NT
24/6/26.