[3219]

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

THURSDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 20037 OF 2026

Between:

Gundadi Prabhakar, S/o Gundadi Venkaiah, H.no 4-6-137/32/A/4,Sai Nagar, West,Vasara Vidyalaya School, Allwyn colony, Kukatpally, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, represented by the principal secretary, Home Department Secretariat Hyderabad 500022
2. The Commissioner of Police, Cyberabad Commissionerate, Cyberabad.
3. The Assistant Commissioner of Police, Quthbullapur Division, Cyberabad Commissionerate, Hyderabad.
4. The Station House Officer, Jagadgirigutta Police Station, Cyberabad Commissionerate, Hyderabad.

...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 toto issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in entering the compound, residential premises and bedroom of the petitioner on 23.06.2026 at about 05.35 AM and again entering the residential premises of the petitioner on 24.06.2026 at about 08.31 AM in connection with Crime No.846 of 2026 of Jagadgirigutta Police Station, without following the procedure established by law, as illegal, arbitrary, violative of Articles 14 and 21 of the Constitution of India and contrary to the law laid down by the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar, and consequently direct the respondents to conduct the investigation strictly in accordance with law and not to

interfere with the liberty, privacy and peaceful enjoyment of the residence of the petitioner except by following due process of law.

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 respondents not to enter the residential premises, compound or bedroom of the petitioner and not to take any coercive steps against the petitioner except by strictly following the procedure established by law and by issuing appropriate notice whenever the presence of the petitioner is required for the purpose of investigation in Crime No.846 of 2026 of Jagadgirigutta Police Station, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI MOHAMMAD FAYAZ

Counsel for the Respondents: ASST. 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.20037 OF 2026

DATED : 25.06.2026

Between:

Gundadi Prabhakar

... Petitioner

AND

The State of Telangana represented by the
Principal Secretary, Home Department,
Secretariat, Hyderabad 500022 and others

... Respondents

O R D E R

Alleging interference by the respondents into the residential premises of the petitioner on 24.06.2026 including entering into the bedroom of the petitioner in connection Crime No.846 of 2026 of Jagadgirigutta Police Station and in not following the procedure established by law and in not following the guidelines of the Hon'ble

Supreme Court of India in the case of *Arnesh Kumar Vs. State of Bihar and others (AIR 2014 SC 2756)*, this Writ Petition has been filed.

2. Learned Assistant Government Pleader for Home submitted that there is no interference by the police as alleged by the petitioner and further that the provisions of law under which the FIR has been registered require only a notice under Section 35(3) of BNSS, and the Investigation Officer intends to alter the sections.

3. Having regard to the rival contentions, this Court finds that as the matter stands today, the provisions/sections of BNS which have been included in the FIR require only a notice under Section 35(3) of BNSS. Therefore, the respondents are directed not to interfere into the civil disputes between the petitioner and the complainant in the FIR and issue notice under Section 35(3) of BNSS to the petitioner and take action in accordance with law if the petitioner submits his explanation thereto. At this juncture, the learned counsel for the petitioner submitted that the respondents are pressurising the petitioner not to demand the due amount of rent from the complainant. The respondents are directed not to interfere with the personal liberty of the petitioner and also not to summon the petitioner to the police station without any justifiable cause.

4. The Writ Petition is accordingly disposed of. No order as to costs.

5. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

SD/- A.H.S.GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The principal secretary, Home Department The State of Telangana, Secretariat Hyderabad 500022
2. The Commissioner of Police, Cyberabad Commissionerate, Cyberabad.
3. The Assistant Commissioner of Police, Quthbullapur Division, Cyberabad Commissionerate, Hyderabad.
4. The Station House Officer, Jagadgirigutta Police Station, Cyberabad Commissionerate, Hyderabad.
5. One CC to SRI MOHAMMAD FAYAZ, Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad [OUT]
7. Two CD Copies

BN

CC TODAY

HIGH COURT

DATED: 25/06/2026

HIGH COURT FOR THE STATE OF TELANGANA
25 JUN 2026
DESPATCHED

ORDER

WP.No.20037 of 2026

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(10) MT
25/6/26