

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

**WEDNESDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 22637 OF 2026

Between:

1. Dr. Khaja Waheeduddin @ Muqteda, S/o late Khaja Ghouse, aged about 43 years, occ Homeopathic Medical Practioner, R/o H.No.17-2-628, Moingulshan, Madannapet, Chandraiah huts, Saidabad, Hyderabad-5000596
2. Smt.Arshia Begum, W/o Dr. Khaja Waheeduddin @ Muqteda, aged about 50 years, occ house hold, R/o H.No.17-2-628, Moingulshan, Madannapet, Chandraiah huts, Saidabad, Hyderabad-5000596
3. Mustafa Nawab, S/o late Khaja Ghouse, aged about 43 years, occ business R/o H.No.17-2-628, Moingulshan, Madannapet, Chandraiah huts, Saidabad, Hyderabad-5000596
4. Murtuza Nawab, S/o late Khaja Ghouse, aged about 43 years, occ business R/o H.No.17-2-628, Moingulshan, Madannapet, Chandraiah huts, Saidabad, Hyderabad-5000596
5. Viquarunnisa Shah, D/o late Khaja Ghouse, aged about 43 years, occ business R/o H.No.17-2-628, Moingulshan, Madannapet, Chandraiah huts, Saidabad, Hyderabad-5000596
6. Mohd Abdul Azeem, S/o Mohd. Abdul Raheem Aged about 44 years, occ business r/o H.No. 17-1-135/C/45, Edi Bazar, Hyderabad

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat, Hyderabad
2. The Commissioner of Police, Hyderabad
3. The Station House Officer, Women Police Station, Golconda Zone, Hyderabad

4. The Station House Officer, Goshamahal Police Station, Hyderabad
5. Smt. Noora Parveen @ Asma, W/o Dr. Khaja Waheeduddin @ Muqteda aged about 43 years, occ house hold R/o 11-3-214, 3rd floor, Ethid Ground Mallepally, Hyderabad
6. MD.Jaweed, S/o not known to the petitioners, Aged major R/o 11-3-214, 3rd floor, Ethid Ground, Mallepally, Hyderabad
7. MD Soheb, Advocate S/o not known to the petitioners, aged major R/o 11-3-214, 3rd floor, Ethid Ground, Mallepally, Hyderabad
8. Shahid Mujahid, S/o not known to the petitioners, aged major R/o 11-3-214, 3rd floor, Ethid Ground, Mallepally, 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 to issue Writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declare the action of the respondents 4 and 5 in registering two FIRs against the petitioners herein i.e., FIR No. 111/2026 dated 26.06.2026 U/s. 85, 351 (2) BNS and Section 4, 6 of Dowry Prohibition Act on the file of respondent No.3 and FIR No. 239/2026 dated. 03.07.2026 U/s. 74, 115 (2), 126 (2), 351 (2), 270 r/w 3 (5) BNS on the file of respondent No.4 without any prima facie evidence as illegal, arbitrary, violative of fundamental rights, Articles 14, 16, 19 (1) (g) and 21 of the Constitution of India, in the interest of justice.

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 4 and 5 not to adopt coercive steps against the petitioners, sureties and relatives, in the interest of justice.

Counsel for the Petitioner : SRI ASADULLA SHAREEF

Counsel for the Respondents No.1to4 : ASST. GP FOR HOME

Counsel for the Respondents No.5to8 :

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The Court made the following: ORDER

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

THE HON'BLE SMT.JUSTICE T. MADHAVI DEVI

WRIT PETITION No. 22637 of 2026

DATE: 15.07.2026

Between:

Dr. Khaja Waheeduddin and others

...Petitioners

AND

The State of Telangana and others.

...Respondents

ORDER:

This Writ Petition is filed seeking the following relief:

"...to issue Writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declare the action of the respondents No.4 and 5 in registering two FIRs against the petitioners herein i.e., FIR No.111/2026 dated 26.06.2026 U/s 85, 351 (2) BNS and Section 4, 6 of Dowry Prohibition Act on the file of respondent No.3 and FIR No.239/2026 dated 03.07.2026 U/s.74, 115 (2) 126 (2) 351 (2) 270 r/w 3 (5) BNS on the file of respondent No 4 without any prima facie evidence as illegal, arbitrary violative of fundamental rights Articles 14, 16, 19 (1) (g) and 21 of the Constitution of India in the interest of justice..."

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Home, appearing for respondents No.1 to 4.

3. Learned counsel for the petitioners submitted that the offences alleged against the petitioners are punishable with imprisonment upto seven (07) years and therefore, the respondent-police may be directed to issue notice under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita,

2023, (for short, "BNSS") and follow the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**¹.

4. Learned Assistant Government Pleader for Home submitted that since the offences alleged against the petitioners are punishable with less than seven (07) years of imprisonment, the respondents will follow due process of law and issue notice under Section 35(3) of BNSS as well as the guidelines issued by the Hon'ble Apex Court in the case of **Arnesh Kumar (cited supra)**.

5. In view thereof, this Court deems it fit and proper to dispose of this Writ Petition at the admission stage, with a direction to respondents No.1 to 4 to issue notice under Section 35(3) of BNSS and to strictly follow the due process of law before taking any action against the petitioners. However, the respondents are also directed not to call the petitioners to the police station without any justifiable cause.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous applications, if any, pending shall stand closed.

(2014) 8 SC 273

//TRUE COPY//

SD/-S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Home Department, Secretariat, Hyderabad
2. The Commissioner of Police, Hyderabad
3. The Station House Officer, Women Police Station, Golconda Zone, Hyderabad

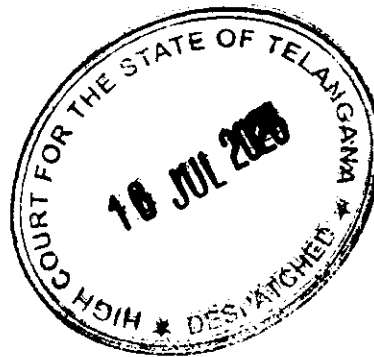
4. The Station House Officer, Goshamahal Police Station, Hyderabad
5. One CC to SRI ASADULLA SHAREEF, Advocate. [OPUC]
6. Two CCs to GP FOR HOME High Court for the State of Telangana, at Hyderabad [OUT]
7. Two CD Copies.

 BSK

HIGH COURT

DATED: 15/07/2026

CC TODAY



ORDER

WP.No.22637 of 2026

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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16/07/26
K.B