

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

**FRIDAY, THE ELEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SMT JUSTICE TANGIRALA MADHAVI DEVI

WRIT PETITION NO: 30274 OF 2026

Between:

1. Yetukuri Rajesh, S/o. Y.Devadanaiah, Aged about 41 yrs, Occ. Business, R/o H.No. 1-3/2, Thimmarayapahad Village, Chennaraopeta Mandal, Warangal District.
2. Yetukuri Rajitha, D/o Y. Devadanaiah, Aged about 39yrs, Occ. Business, R/o H.No. 1-3/2, Thimmarayapahad Village, Chennaraopeta Mandal, Warangal District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Home, Hyderabad.
2. The Station House Officer, Domalguda Police Station, Hyderabad District.
3. Vesapogu Dayakar Rao, S/o not known, Aged about. Major, Occ. Director, New Edge Overseas Consultancy Pvt Ltd., R/o D.No. 3-6-518, Flat No.208, Sai Pragathi Towers, Himayathnagar, 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd Respondent in trying to arrest the Petitioners/A2 and A4 highhandedly in connection with Cr.No. 252/2026 on the file of 2nd respondent Police Station without following the procedure contemplated under Sec.35 (3) of BNSS, and in contrary to the guidelines issued by the Hon'ble Apex Court in Arnesh Kumar V/s. State of Bihar as illegal, arbitrary, unconstitutional and

violation of Article 14 and 21 of Constitution of India and consequently direct the 2nd respondent to follow the procedure contemplated U/Sec.35 (3) of BNSS, in relation to the Cr.No. 252/2026 dated 27.07.2026 as against the Petitioners/A2 and A4.

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 2nd Respondent to follow the procedure contemplated U/Sec.35 (3) of BNSS and guidelines issued by the Hon'ble Apex Court in Arnesh Kumar vs. State of Bihar in relation to Cr.No. 252/2026, dt.27.07.2026 of Domalguda Police Station, registered against the petitioners/A2 and A4 on the file of 2nd respondent's police station, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI SANJEEVA REDDY GARLAPATI

Counsel for the Respondent Nos.1 & 2: AGP FOR HOME

The Court made the following: ORDER

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

THE HON'BLE SMT.JUSTICE TANGIRALA MADHAVI DEVI

**WRIT PETITION No.30274 of 2026
(CNR No. HBHC010625572026)**

DATE: 11.09.2026

Between:

Yetukuri Rajesh and another ... Petitioners

AND

The State of Telangana and others ... Respondents

:: ORDER ::

This Writ Petition is filed seeking the following relief:

"...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of mandamus, declaring the action of the 2nd respondent in trying to arrest the Petitioners/A2 & A4 highhandedly in connection with Cr.No.252/2026 on the file of 2nd respondent Police Station without following the procedure contemplated under Sec.35(3) of BNSS and in contrary to the guidelines issued by the Hon'ble Apex Court in Arnesh Kumar V/s. State of Bihar as illegal, arbitrary, unconstitutional and violation of Article 14 and 21 of Constitution of India and consequently direct the 2nd respondent to follow the procedure contemplated U/Sec.35(3) of BNSS in relation to the Cr.No.252/2026 dated 27.07.2026 as against the Petitioners/A2 & A4, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case".

2. Heard learned counsel for the petitioners and learned Assistant

Government Pleader for Home, appearing for respondents No.1 and 2.

3. Learned counsel for the petitioners submitted that the offences alleged against the petitioners are punishable with less than seven (07) years of imprisonment and therefore, the respondent-police may be directed to issue notice under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita, 2023, (for short, “BNSS”) to the petitioners 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 respondent police 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 respondent authorities to issue notice to the petitioners under Section 35(3) of BNSS and to strictly follow the guidelines laid down by the

¹ (2014) 8 SCC 273

Hon'ble Supreme Court in the case of *Arnesh Kumar (cited supra)*
before taking any action against the petitioners.

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

**SD/- P.PRAMOD NAIK
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Department of Home, Hyderabad, State of Telangana.
2. The Station House Officer, Domalguda Police Station, Hyderabad District.
3. One CC to SRI SANJEEVA REDDY GARLAPATI, Advocate [OPUC]
4. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies


BSR

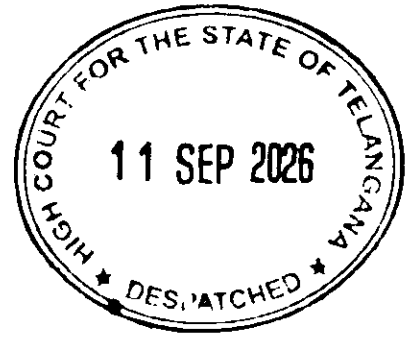
CC TODAY

HIGH COURT

DATED: 11/09/2026

ORDER

WP.No.30274 of 2026



**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

Smt
11/9/26