

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

**WEDNESDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SMT JUSTICE TANGIRALA MADHAVI DEVI

WRIT PETITION NO: 32817 OF 2026

Between:

Mutnuri Satyanarayana, S/o. Mutnuri Radha Krishna Sarma, Aged about 37 years, Occ. Private Employee, R/o. Flat 201, 3rd Floor, Sri Sai Balaji Residency, Plot No. 131, Shanti Nagar, Huda Sub Station, Chandanagar, K.V. Ranga Reddy District, Telangana - 500050.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad Police Commissionerate, Basheerbagh, Hyderabad.
3. The Station House Officer, Kalapathar Police Station, Hyderabad Police Commissionerate, Hyderabad.
4. Mohd Shahnawaz, S/o. Mohd Zameer Hussain, Aged about 35 years, Occ. Private Employee, R/o. Near Sports Complex, Ramnaspura, Kalapathar, 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 Respondent No. 3 herein in calling the Petitioner to the Police Station without following the due process of law and harassing him and coercing him to settle the matter in connection with Crime No. 159 of 2026 as being illegal, arbitrary, discriminatory and violative of Articles 14 and 21 of the Constitution of India and Consequentially direct the Respondent No. 3 herein not to call the Petitioner to the Police Station without following the 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 Respondent No. 3 herein not to call the Petitioner without following the due process of law and harass and coerce him to settle the matter in Crime No. 159 of 2026.

Counsel for the Petitioner: SRI T.RAHUL

Counsel for the Respondent Nos.1 TO 3: GP FOR HOME

Counsel for the Respondent No.4:

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.32817 OF 2026

(CNR No.HBHC010674772026)

DATED : 30.09.2026

Between:

Mutnuri Satyanarayana

... Petitioner

AND

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

... Respondents

ORDER

Alleging that respondent No.3 is calling the petitioner to the police station without following the due process of law and is harassing him and coercing him to settle the matter in connection with Crime No.159 of 2026 of Kalapattar Police Station, Hyderabad District, this Writ Petition has been filed.

2. Learned counsel for the petitioner submitted that the petitioner is the person who has introduced the A2/mediator to the unofficial respondent No.4 for finding financiers for purchase of a property and on

a complaint given by respondent No.4, Crime No.159 of 2026 has been registered against the petitioner as A1 and the mediator as A2. It is submitted that there is no role of the petitioner in the whole issue and therefore, the complaint itself is not maintainable against the petitioner. The allegation of the petitioner is that in spite of the above legal position, the official respondents are repeatedly calling the petitioner to the police station and are pressurising the petitioner to settle the matter with the de facto complainant and therefore, this Writ Petition has been filed.

3. Sri D. Pradeep, learned Assistant Government Pleader for Home, on written instructions, submitted that on receipt of the complaint dt.19.08.2026 from respondent No.4 and after conducting preliminary enquiry, Crime No.159 of 2026 has been registered and thereafter, investigation has been taken up and the petitioner was directed to appear before the Investigation Officer on 17.09.2026. It is submitted that on 21.09.2026, the petitioner appeared and his statement was recorded, wherein he stated that he was acquainted with one Mr. Sandeep Varma/accused No.2 through his friend Ms. Divya and that he has no connection whatsoever with the transaction between the unofficial respondent and accused No.2 and it is after recording the statement of

the petitioner that it has come to light that the petitioner only acted as a mediator between the complainant and the accused and therefore, the petitioner stated that he would assist the Investigation Officer in producing the accused. It is stated that as there was no response from the petitioner, the Investigation Officer issued a notice under Section 179 of BNSS dt.30.09.2026 directing the petitioner to appear before him on 02.10.2026 at 12.00 hours and that it is the contention of the respondent police that except for conducting investigation, the respondent police did not harass the petitioner or coerce him to settle the matter.

4. Learned counsel for the petitioner, however, submitted that the notice under Section 179 of BNSS would be issued to a witness and the police could not have issued the notice to the petitioner as he is an accused in the crime and not a witness.

5. Having regard to the rival contentions and the material on record, this Court finds that the petitioner is admittedly accused No.1 in Crime No.159 of 2026 of Kalapattar Police Station, Hyderabad District and the offences under which the subject FIR has been registered prescribe the punishment of less than 7 (seven) years and as per 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), the respondent police have to issue a notice under Section 35(3) of BNSS. Further, this Court is of the opinion that the police cannot issue a notice under Section 179 of BNSS to the petitioner/accused No.1 as an accused cannot be made to give evidence against himself.

6. Therefore, the respondent police are directed not to take any coercive steps against the petitioner for his non-appearance pursuant to the notice under Section 179 of BNSS dt.30.09.2026 for appearance on 02.10.2026 and the notice issued to the petitioner under Section 179 of BNSS dt.30.09.2026 is set aside and after deciding the role of the petitioner, the respondent police shall proceed strictly in accordance with law.

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

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

SD/- K.V.O. NARSI BABU
ASSISTANT REGISTRAR

//TRUE COPY//



SECTION OFFICER

To

1. The Principal Secretary, Home Department, Secretariat, Hyderabad, State of Telangana.
2. The Commissioner of Police, Hyderabad Police Commissionerate, Basheerbagh, Hyderabad.

3. The Station House Officer, Kalapathar Police Station, Hyderabad Police Commissionerate, Hyderabad.
4. One CC to SRI T.RAHUL, Advocate [OPUC]
5. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
6. Two CD Copies

PSK.

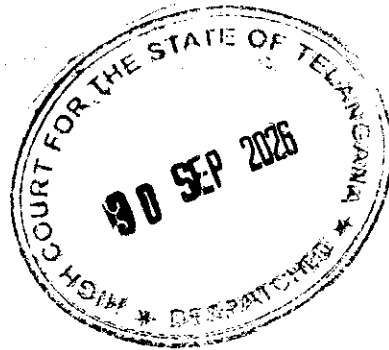
PSK

CRP

CC TODAY

HIGH COURT

DATED: 30/09/2026



ORDER
WP.No.32817 of 2026

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

9
ABM
30-9-26