

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

**THURSDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 34849 OF 2023

Between:

B. Vijay Laxmi, W/o. B. Krishna, Aged 61 Years, Occupation Housewife, R/o.
H.No.18-7-455/A/232, Gowlipura, Sardar Patel Road, Charminar, Hyderabad-
500053.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principle Secretary, Home Department, Secretariat, Hyderabad
2. The Commissioner of Police, Rachakonda District, Telangana.
3. The Station House Officer, Uppal police station, Ranga Reddy District, Rachakonda Commissionerate. Telangana.

...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 a writ, order or direction more particularly one in the nature of writ of Mandamus Directing Respondent No. 3 Not to call the petitioner to Police Station, Unless following due Process of law.

IA NO: 1 OF 2023

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 Respondents No.3 to Stay on all further proceedings against the Petitioner pending disposal of the writ petition.

Counsel for the Petitioner: SRI RACHAKONDA RAMAKRISHNA

Counsel for the Respondents: GP FOR HOME

The Court made the following: ORDER

HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.34849 of 2023

ORDER:

This Writ Petition is filed praying this Court to issue a direction to respondent No.3 not to call the petitioner to the police station unless following due process of law.

2. The case of the petitioner is that the respondents-police, without registering any case are frequently calling her to the police station and confining her to sit for hours together. It is the specific case of the petitioner that on 06.12.2023, 11.12.2023, 19.12.2023 and 22.12.2023, the Sub-Inspector of Police, Uppal Police Station, Rachakonda Commissionerate, called her to come to Uppal Police Station and sent two police constables to her house stating that her presence is required for the purpose of investigation, but when she made enquiry, they have not disclosed about any crime.

3. Learned counsel for the petitioner vehemently contended that the respondents-police are not having any power or authority to call the petitioner to the police station in the absence of any crime that too without following the

procedure contemplated under Section 41-A of Cr.P.C. and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar Vs. State of Bihar**¹.

4. In view of the said submissions, this Court, deems it appropriate to dispose of the writ petition, directing the respondents-police to follow the procedure contemplated under Section 41-A of Cr.P.C. and the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar's case** (supra), if the presence of the petitioner is required for the purpose of investigation in any crime.

5. With the above observations, this Writ Petition is disposed of. No costs.

6. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

¹ (2014) 8 SCC 273

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SD/- V.HARI PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principle Secretary, Home Department, Secretariat, Hyderabad, State of Telangana.
2. The Commissioner of Police, Rachakonda District, Telangana.
3. The Station House Officer, Uppal police station, Ranga Reddy District, Rachakonda Commissionerate. Telangana.
4. One CC to SRI RACHAKONDA RAMAKRISHNA, Advocate [OPUC]
5. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CD Copies

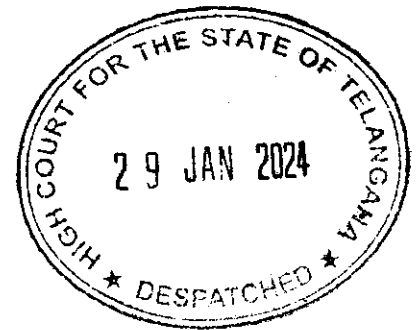
BSR

GJ

[Signature]

HIGH COURT

DATED: 28/12/2023



ORDER

WP.No.34849 of 2023

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

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11/1/24
JH