

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

**FRIDAY, THE TWELFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 1182 OF 2024

Between:

Gutipalli Narasimhulu, S/o. Venkateshwarlu , Age. 63 yrs, Occ. Business, R/o.H.No. 6-9/3, Nagapur village, Cherial Mandal, Siddipet District

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary Home Department Secretariat Hyderabad.
2. The Commissioner of Police, Siddipet District Siddipet.
3. The Station House Officer, Komaravelli ,Siddipet District.
4. Balakrishna Reddy Kusugundla, S/o Shiva Reddy Aged 65 years Occ: Business R/o H No 4399, Koukur, R. R. District.

...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 declaring the action of respondent No 3 in calling and detaining the petitioner to PS Komuravalli Without there being any FIR registered against me and forcing me to admit to the crime in FIR No 84 of 2023 dated 15-09-2023 and threatening to implicate them in the said crime is bad in law , illegal , arbitrary and violating the natural justice illegal violative of Art 21 of the Constitution of India CONSEQUENTLY direct the respondents NO. 1 to 3 refrain the respondent No.3 from resorting to illegal actions in harassing innocent people.

IA NO: 1 OF 2024

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 grant interim directions directing respondent No 3 not to call the petitioners to PS Komuravelli and detain them without there being any FIR registered against them.

Counsel for the Petitioner : M/s.GUNDLAPALLI V.S.S.SRUTHI

Counsel for the Respondents No.1to3 : ASST. GP FOR HOME

Counsel for the Respondents No.4 : --

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C. V. BHASKAR REDDY

WRIT PETITION No.1182 OF 2024

ORDER:

The writ petition is filed seeking following relief:

“...to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of respondent No.3 in calling and detaining the petitioner to P.S., Komuravalli without there being any FIR registered against him and forcing him to admit to the crime in FIR.No.84 of 2023, dated 15.09.2023 and threatening to implicate him in the said crime is bad in law, illegal, arbitrary and violating the natural justice illegal violative of Article 21 of the Constitution of India and consequently direct respondents Nos.1 to 3 refrain the respondent No.3 from resorting to illegal actions in harassing innocent people and to pass ...”

2. The case of the petitioner is that the respondent-police are frequently summoning the petitioner to the police station without registration of any case or without following the due procedure as contemplated under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar***¹.

¹(2014) 8 SCC 273

3. Learned Assistant Government Pleader appearing for respondent No.3 submits that acting on the complaint filed by respondent No.4, a case was registered in Crime No.84 of 2023, dated 15.09.2023 for the offences under Sections 447 and 427 read with Section 34 of I.P.C. Initially, the petitioner was not arrayed as accused in the said crime and subsequently after conducting investigation, as the involvement of the petitioner was revealed, the petitioner was added as an accused to the said crime and the respondent-police are taking steps to serve notice under Section 41-A Cr.P.C. to the petitioner.

4. The learned counsel for the petitioner submits that as the said crime discloses that the offences are punishable below 7 years, issuance of notice under Section 41-A Cr.P.C. to the petitioner is mandatory.

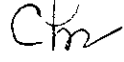
5. In view of the above submissions, this Court deems it appropriate to dispose of the Writ Petition directing the respondents to issue notice to the petitioner as required under Section 41-A of Cr.P.C. and also follow the

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 Crime No.84 of 2023.

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

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

//TRUE COPY//

SD/-N. SRIHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary Home Department Secretariat, State of Telangana, Hyderabad.
2. The Commissioner of Police, Siddipet District Siddipet.
3. The Station House Officer, Komaravelli, Siddipet District.
4. One CC to M/s.GUNDLAPALLI V.S.S.SRUTHI Advocate [OPUC]
5. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies.
BSK
GJP

§

HIGH COURT

DATED:12/01/2024



ORDER

WP.No.1182 of 2024

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

9) Copies
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12/1/24