

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

FRIDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 6213 OF 2025

Between:

1. Gorantla Chenchu Nageshwara Rao, S/o. Radhakrishna Murthy Aged about 57 years, Occ- Chartered Accountant, R/o. H. No. 10A, Darjeeling Tower, Hill County Apartments, Bachupally, Cyberabad.
2. Pentyala Chandrasekhara Rao, S/o. Kotaiah Aged about 58 years, Occ- Lecturer R/o. H. No. 6B, Manali Tower, Hill County Apartments, Bachupally, Cyberabad.

...PETITIONERS

AND

1. The State of Telangana, Rep. by Secretary Home Affairs Secretariat, Hyderabad.
2. The Station House Officer, Bachupally Police Station At Bachupally.
3. Sita Mahalaxmi Druvasula, W/o DVS Ram Prabhakar Aged about 50 years Occ- Software Engineer R/o. H. No. 6D, Darjeeling Tower. Hill County Apartments, Bachupally. Cyberabad.

...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 of Mandamus or any other appropriate Writ, order or direction, declaring the action of the Respondents particularly Respondent No.2 in trying to arrest the petitioners highhandedly in relation to Cr. No. 1104 of 2024 dated 13.11.2024 registered on the file of the Station House Officer. Bachupally Police Station, Cyberabad without following the procedure contemplated under Section 35 (3) of BNSS, and in contrary to guidelines issued by the Honorable Apex court in Arnesh Kumar vs. State of Bihar as illegal, arbitrary. unreasonable, Violative of Art. 14, 19 and 21 of Constitution of India and consequently direct the respondents No. 2 to follow the procedure contemplated under Section 35 (3) of BNSS in relation to above crime registered against petitioners

IA NO: 1 OF 2025

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 direct the respondent No. 2 to strictly follow the procedure contemplated under Section 35 (3) of BNSS and guidelines issued by the Honorable Apex Court in Arnesh Kumar vs. State of Bihar in relation to crime vide Crime No. 1104 of 2024 dated 13.11.2024 registered on the file of the Station House Officer, Bachupally Police Station, Cyberabad, pending disposal of the above Writ Petition

Counsel for the Petitioner: SRI. JELLA SRIKANTH

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

Counsel for the Respondent No.3: --

The Court made the following: ORDER

HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.6213 of 2025

ORDER:

This Writ Petition is filed praying this Court to declare the action of respondent No.2 in trying to arrest the petitioners in relation to Crime No.1104 of 2024 of Bachupally Police Station, without following the procedure as contemplated under Section 35 (3) of the BNSS and contrary to the guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar***¹, as illegal, arbitrary and violative of the Articles 14, 19 and 21 of the Constitution of India and consequently, prayed for other appropriate reliefs.

2. It is stated in the affidavit filed in support of the writ petition that petitioner No.1 is a Chartered Accountant and petitioner No.2 is a Lecturer, both residing at Hill County Apartments, Bachupally. It is further stated that a case in Crime No.1104 of 2024 was registered against the petitioners for the offences under Sections 63CA and 72 of the Information Technology Act, 2000-2008, basing on the complaint being lodged by respondent No.3 regarding sharing of part/edited video of the Court Hall 1 Court proceedings in the community Whatsapp group by the petitioners.

¹ (2014) 8 SCC 273

3. Considered the submissions of the learned counsel for the petitioners, learned Assistant Government Pleader for Home appearing for respondent Nos.1 and 2 and Sri N.Krishna Sumanth, learned counsel appearing for respondent No.3 and with their consent, this writ petition is being disposed of at the admission stage.

4. Sri A.Ravinder Reddy, learned Senior Counsel, representing Sri Jella Srikanth, learned counsel for the petitioners, has vehemently contended that the punishment prescribed for the offences alleged in the complaint is below 7 years and therefore, the respondent authorities have to follow the procedure contemplated under Section 35 (3) of BNSS by issuing notice and also follow the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar's case**.

5. Learned Assistant Government Pleader for Home does not dispute the fact that the alleged offences are punishable below seven years and that the petitioners are entitled for issuance of notice as required under Section 35 (3) of BNSS.

6. Sri N.Krishna Sumanth, learned counsel appearing for respondent No.3, vehemently contended that in the absence of any pleading in the writ petition that the police have not followed the procedure under Section 35 (3) of BNSS, the

present writ petition itself is not maintainable as the same is misconceived and prayed to dismiss the writ petition.

7. In view of the above submissions, this Court, without expressing any opinion on the contents of the complaint being lodged by respondent No.3, deems it appropriate to dispose of this writ petition directing respondent No.2 to follow the procedure under Section 35 (3) of BNSS and also the guidelines issued by the Hon'ble Apex Court in **Arnesh Kumar's case** (supra) by issuing notice to the petitioners and if they have not turn up to the said notice, the police are at liberty to take further action in accordance with law.

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

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

//TRUE COPY//

SD/- N.SRIHARI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Secretary Home Affairs Secretariat, T.S., Hyderabad.
2. The Station House Officer, Bachupally Police Station At Bachupally.
3. One CC to SRI. JELLA SRIKANTH, Advocate [OPUC]
4. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

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HIGH COURT

DATED:07/03/2025

ORDER

WP.No.6213 of 2025



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

8 Copies

*Sms
4/4/25*