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

THURSDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE TANGIRALA MADHAVI DEVI

WRIT PETITION NO: 32938 OF 2026

Between:

1. K.Ananad Kumar, S/o K.Satyanaranyana, aged 44 years, R/o. Plot No. 16, Occ Business, Rio Road.No. 3, Vijay Nagar, Colony Phase-2, Bagh Hayathnagar, VTC, Hayathnagar RR dist.
2. P.Naresh Mudiraj, S/o P. Venkatesh, Mudiraj, ages 40 years, Occ . Business, R/o H.No.4-9-362, RTC Colony, Near Sai Baba Temple, Hayathnagar, Hayathnagar RR dist.

...PETITIONERS

AND

1. The State of Telangana, represented by its Principal Secretary, Home (Police) Department Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Malkajgiri, Malkajgiri Disrict.
3. The Station House Officer, Hayathnagar, Police Station Hayathnagar R.R Disrict.
4. Khammampati Laxminarayana, S/o not know petitioner Sub-inspector of police, Hayathnagar, Police Station Hayathnagar R.R Disrict.
5. K.Laxminarayana, S/o. petitioner know Occ . police officer PC 10722 Hayathnagar, Police Station Hayathnagar R.R Disrict.

...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 any directions or issue any appropriate writ more particularly in the nature of WRIT OF MANDAMUS declaring the action of the Respondents No. 3 and 4 in trying to arrest the petitioners highhandedly in relation to Crime.No. Crime.No. 1553 of 2026 dated 26.09.2026 on the file of the Station House Officer, Hayathnagar, Police

Station Hayathnagar Ranga Reddy District without following the procedure contemplated under Section 35 (3) of BNSS (41A of CR.P.C), and in contrary to guidelines issued by the Hon'ble Apex court in Arnesh Kumar vs. State of Bihar as illegal, arbitrary and violation of Article 14 and 21 of Constitution of India, consequently direct the respondents No. 3 to follow the procedure contemplated under Section 35 (3) of BNSS (41A of CR.P.C) in relation to above crime registered against petitioner.

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 and 4 to strictly follow the procedure contemplated under Section 35 (3) of BNSS (41A of CR.P.C) and guidelines issued by the Hon'ble Apex Court in Arnesh Kumar vs. State of Bihar in relation to Crime.No. 1553 of 2026 dated 26.09.2026 registered on the file of the Station House Officer, Hayathnagar, Police Station Hayathnagar Ranga Reddy District pending disposal of the above writ petition.

Counsel for the Petitioner: SRI V.T KALYAN

Counsel for the Respondent Nos.1 to 4: SRI D.PRADEEP, AGP FOR HOME

Counsel for the Respondent No.5: - - -

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

W.P.NO. 32938 OF 2026
(CNR No. HBHC010676932026)
DATED: 01.10.2026

Between
K.Anand Kumar and Another

... Petitioners

And

The State of Telangana and Four Others.

... Respondents

ORDER

This Writ Petition is filed seeking the following relief:

"...to issue any direction or issue any appropriate writ more particularly in the nature of writ of mandamus declaring the action of the respondents No.3 and 4 in trying to arrest the petitioners highhandedly in relation to Crime No.1553 of 2026, dated 26.09.2026 on the file of the Station House Officer, Hayathnagar Police Station, Hayathnagar, Ranga Reddy District without following the procedure contemplated under Section 35(3) of BNSS (41A of CR.P.C.) and in contrary to guidelines issued by the Honble Apex court in the case of Arnesh Kumar Vs. State of Bihar as illegal, arbitrary and violation of Article 14 and 21 of the Constitution of India and consequently direct the respondent No.3 to follow the procedure contemplated under Section 35(3) of BNSS (41A of CR.P.C.) in relation to above crime registered against petitioners and to pass..."

2. The learned Assistant Government Pleader for Home, on oral instructions, submitted that the FIR has been registered against the petitioners vide Crime No.1553 of 2026, under Sections 132, 221, 223, 292, 125, 352, 351(2) read with 3(5) of BNS on 26.09.2026 and the investigation is under progress.

3. The learned counsel for the petitioners submitted that the offences registered against the petitioners prescribes less than seven years punishment and therefore, the respondent police have to follow the guidelines issued by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar**, reported in 2014 SC 2756.

4. Having regard to the fact that the offences under Sections 132, 221, 223, 292, 125, 352, 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, are punishable with imprisonment which may extend to seven (07) years, the respondent police are directed to follow the procedure contemplated under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, before taking any coercive steps against the petitioners. The respondent police shall

also scrupulously follow the guidelines laid down by the Hon'ble Supreme Court in the case of ***Arnesh Kumar (cited supra)***, and thereafter proceed strictly in accordance with law. The petitioners shall cooperate with the investigation in accordance with law. The respondent police shall not summon the petitioners to the police station except for justifiable cause.

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

6. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

Sd/-C.DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

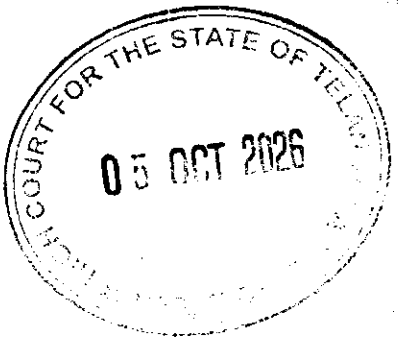
1. The Principal Secretary, Home (Police) Department Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Malkajgiri, Malkajgiri Disrict.
3. The Station House Officer, Hayathnagar, Police Station Hayathnagar R.R Disrict.
4. One CC to SRI V.T KALYAN, Advocate [OPUC]
5. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

PMK

HIGH COURT

CC TODAY

DATED: 01/10/2026



ORDER

WP.No.32938 of 2026

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

05/10/26