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: 33286 OF 2026

Between:

1. Kaleru Sindhu Thapaswi, D/o Late K.Ravinder, Aged 34 years, Occ. Corporter R/o H.No. 22-6-1/67, Venkateswara Hills, Colony, Palwancha, VTC Palwancha, Bhadradri Kothagudem Disrict.
2. K.Akhil Maharshi, S/o Late K.Ravinder Aged 30 years, Occ Employee, R/o H.No. 22-6-1/67, Venkateswara Hills, Colony, Palwancha, VTC Palwancha, Bhadradri Kothagudem Disrict.
3. Sikha Vidya Sagar, S/o S Bhushanam, Aged 39 years, Occ Employee, Rio H.No.22-2-11, Nehry Nagar, Palwancha, Bhadradri Kothagudem District.
4. M.D.Ajmath Pasha @ Addu, S/o Mohammad Moulali Aged 30 years, Occ Employee, R/o H.No. 22-5-222/1, Jayarnrna Colony, Palwancha, Palwancha, Khammam District.
5. Deerangula Srinivas @ Venkanna, S/o D.Ram babu Aged 22 years, Occ Employee, R/o H.No. 22-5-7 Palwancha, Near Majid, Vikalagula Colony, Palwancha, Bhadradri Kothagudem District
6. Shika Uma Krishna @ Vamshi, Aged 30 years, Occ. Employee, R/o H.No. 22-2-11, Nehru Nagar, Palwancha, VTC Palwancha, Bhadradri Kothagudem Disrict.
7. Manda Prashanth, S/o Manda Ravi, Aged 26 years, Occ Employee, R/o H.No. 22-6-1/67, Jayamma Colony,Palwancha, Mandal Palwancha, Bhadradri Kothagudem Disrict
8. Uppelli Venkanna, S/o Late U.Srinu, Aged 31 years, Occ. Employee, R/o H.No.22-5-19 , Vikalagula Colony, Palwancha, Bhadradri Kothagudem Disrict
9. Poralla Janaki Ram @ Srinu, S/o Late U.Srinu, Aged 31 years, Occ Employee, R/o H.No.22-5-271 , Jayamma Colony, Palwancha, Bhadradri Kothagudem District.
10. Manda Ganesh, S/o Manda Ravi, Aged 26 years, Occ Employee, R/o H.No. 22-5-273/D,Jayamma Colony, Palwancha, Mandal Palwancha, Khammam Disrict.
11. Thamballa Ajay Varma, S/o Muthaiah, Aged 22 years, Occ. Employee, R/o H.No. 22-5-14 Jayamma Colony, Palwancha, Bhadradri Kothagudem Disrict

...PETITIONERS

AND

1. The State of Telangana, Represented by its Principal Secretary, Home (Police) Department Secretariat Buildings, Hyderabad.
2. The Director General of Police, Lakdi-ka-pool, Hyderabad, Telangana State.
3. The Superintendent of Police, Bhadradri Kothagudem Disrict
4. The Station House Officer, Paloncha Town, Police Station Bhadradri Kothagudem Disrict.
5. Thota Nagaraju, S/o Not Know Petitioner, Sub-Inspector of Police, Paloncha Town, Police Station Bhadradri Kothagudem District.
6. Guguloth Ramesh, S/o Veeraiah, Aged 40 years, Lambada, Occ. Coolie, R/o Jayamma Colony, 7th Division Palvoncha, Bhadradri Kothagudem 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 any writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents No. 3 to 5 in trying to arrest the petitioners highhandedly in relation to Crime.No. 368 of 2026 dated 28/09/2026 registered on the file of the Police Station paloncha Town, Bhadradri Kothagudem Disrict 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 and 4 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 respondents.No. 3 to 5 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. 368 of 2026 dated 28/09/2026 registered on the file of the Police Station paloncha Town Bhadradri Kothagudem District pending disposal of the above writ petition.

Counsel for the Petitioner: SRI S.GANESH

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

Counsel for the Respondent Nos.5&6: - - -

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.33286 OF 2026
(CNR No.HBHC010684712026)

DATED : 01.10.2026

Between:

Kaleru Sindhu Thapaswi and others ... Petitioners

AND

The State of Telangana, represented by its
Principal Secretary, Home (Police) Department,
Secretariat Building, Hyderabad and others ... Respondents

O R D E R

Alleging that respondents 3 to 5 are trying to arrest the petitioner highhandedly in relation to Crime No.368 of 2026 dt.28.09.2026 registered on the file of Paloncha Town Police Station, Bhadradri Kothagudem District without following the due procedure and 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), this Writ Petition has been filed.

2. Sri D. Pradeep, learned Assistant Government Pleader for Home, on oral instructions, submitted that there have been case and counter cases and injuries have been received by both parties and medical certificates are yet to be received and after receipt of the medical certificates, the sections may be altered and therefore, it is not possible to issue a notice under Section 35(3) of BNSS at this stage.

3. Learned counsel for the petitioners pointed out that the petitioners also have received grievous injuries in this case.

4. Having regard to the above contentions, the respondent police are directed not to take any coercive steps against the petitioners until a decision is taken on the alteration of sections, if necessary, and take necessary action in accordance with law if the notice under Section 35(3) of BNSS is not required after alteration of sections.

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

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

Sd/-A.H.S. GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home (Police) Department Secretariat Buildings, Hyderabad.
2. The Director General of Police, Lakdi-ka-pool, Hyderabad, Telangana State.
3. The Superintendent of Police, Bhadradri Kothagudem Disrict
4. The Station House Officer, Paloncha Town, Police Station Bhadradri Kothagudem Disrict.
5. One CC to SRI S.GANESH, Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad [OUT]
7. Two CD Copies

PMK

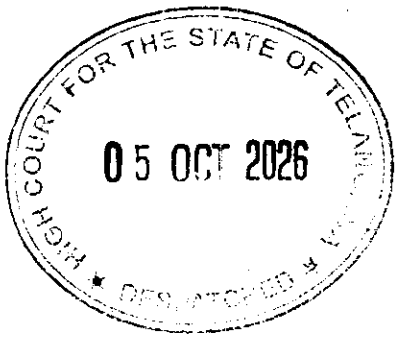
HIGH COURT

CC TODAY

DATED: 01/10/2026

ORDER

WP.No.33286 of 2026



DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

