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

TUESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE TANGIRALA MADHAVI DEVI

WRIT PETITION NO: 33803 OF 2026

Between:

Manne Krishank, S/o M. Leo Augustine Aged 38 years Occu Social Media Convenor of BRS Party R/o Plot No.4, Flat No.302, Balakrishna Kuteer, Willington Road, Tirumalgariri, Secunderabad, Hyderabad

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat Building, Hyderabad
2. The Deputy Commissioner of Police (Crimes DD), Hyderabad City at Hyderabad
3. The Assistant Commissioner of Police, Cyber Crimes, Hyderabad
4. The Station House Officer, P.S Cyber Crimes, Hyderabad
5. Sri Mettu Sai Kumar, S/o Not known to the Petitioner Aged Not known Occu Chairman, TPCC Fisherman Congress Committee, O/o Gandhi Bhavan, Nampally, Hyderabad

...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, particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the Respondents 2 to 4 in threatening to arrest and interfere with the life and liberty of the Petitioner in connection with FIR No.668 of 2026 dated 05-10-2026 of P.S. Cyber Crimes, Hyderabad registered for the offences Under Sections 353(2) and 352 BNS without following the procedure contemplated Under Section 35 (3) of the BNSS, 2023 and without following the principles laid down by the Hon'ble

Supreme Court in Arnesh Kumar Vs. State of Bihar, as the same is illegal, arbitrary and unconstitutional and consequently direct the respondents 2 to 4 not to take coercive steps against the petitioner in FIR No.668 of 2026 dated 05-10-2026 of P.S. Cyber Crimes, Hyderabad.

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 Nos. 2 to 4 not to arrest or interfere with the life and liberty of the petitioner in connection with FIR No.668 of 2026 dated 05-10-2026 of P.S. Cyber Crimes, Hyderabad without following the procedure Under Section 35 (3) BNSS, 2023 pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI T.V.RAMANA RAO
Counsel for the Respondent Nos.1 TO 4: SRI MAHESH RAJE, GP 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 HONOURABLE SMT. JUSTICE TANGIRALA MADHAVI DEVI

WRIT PETITION NO.33803 OF 2026

(CNR No.HBHC010695172026)

DATED : 06.10.2026

Between:

Manne Krishank

... Petitioner

AND

The State of Telangana, rep. by its Principal Secretary, Home Department, Secretariat Building, Hyderabad and others

... Respondents

O R D E R

Seeking a declaration that the action of respondents 2 to 4 in threatening to arrest and interfere with the life and liberty of the petitioner in connection with FIR No.668 of 2026 of Cyber Crimes Police Station, Hyderabad dt.05.10.2026 without following the guidelines of the Hon'ble Supreme Court in the case of **Arnesh Kumar**

Vs. State of Bihar and others[1], as illegal and arbitrary, this Writ Petition has been filed.

2. Sri T.V. Ramana Rao, learned counsel for the petitioner submitted that a false complaint has been given by respondent No.5 and on the basis of the same, without making any preliminary enquiry about the status of the petitioner as an 'aggrieved party', the respondent police have registered the subject FIR straight away. He alleges that the respondent police are trying to take coercive steps against the petitioner. He has also filed copies of the photographs at pages 49 and 50 of the writ papers to demonstrate that the police are at the door step of the petitioner to arrest him. Learned counsel for the petitioner also has drawn the attention of this Court to the guidelines issued by a coordinate Bench of this Court in the case of **Nalla Balu @ Durgam Shashidhar Goud Vs. The State of Telangana rep. by its Public Prosecutor, High Court for the State of Telangana and another**[2] which has been upheld by the Hon'ble Supreme Court of India in the case of **State of Telangana Vs. Nalla Balu @ Durgam Shashidhar Goud and**

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[1] AIR 2014 SC 2756
[2] Criminal Petition Nos.4905, 4903 and 8416 of 2025 dt.10.09.2025

another[3]. He submitted that the respondent police have not followed the said guidelines as well.

3. Sri Mahesh Raje, learned Government Pleader for Home submitted that the subject FIR has been registered only yesterday and the respondent police have recorded the statement of the complainant and are conducting enquiry and the issue is at preliminary stage. He submitted that after completing the investigation, appropriate steps would be taken.

4. Having regard to the rival contentions and the material on record, this Court finds that this Court, in the case of **Nalla Balu** (2 supra), has given certain guidelines in order to prevent the criminal process from being invoked mechanically or arbitrarily and the said guidelines have also been up held by the Hon'ble Supreme Court in the case of **State of Telangana Vs. Nalla Balu @ Durgam Shashidhar Goud and another** (3 supra) and this is also in line with the judgment of the Hon'ble Supreme Court in the case of **Lalita Kumari Vs. Govt. of U.P.**[4], wherein it was held that a preliminary enquiry into the complaint has to be conducted before registering the FIR and if a cognizable offence has

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[3] Special Leave Petition (Criminal) Diary No(s).71178 of 2025 dt.02.02.2026
[4] (2014) 2 SCC 1

been made out based on the contents of the first information report, the FIR has to be registered. Therefore, the respondent police have to follow the said guidelines in registering the FIR and if the provisions of law under which the FIR has been registered prescribe punishment of seven years, then the guidelines issued by the Hon'ble Supreme Court of India in the case of **Arnesh Kumar Vs. State of Bihar and others** (1 supra) have to be followed and the police would have to follow the provisions of Section 35(3) of BNSS. In this case, the provisions of law invoked are Sections 353(2) and 352 of BNS which prescribe punishment of three years or less than three years.

5. In view thereof, the respondent police are directed to follow the guidelines issued by the Hon'ble Supreme Court of India in the case of **Arnesh Kumar Vs. State of Bihar and others** (1 supra) and issue a notice under Section 35(3) of BNSS to the petitioner and the petitioner also shall cooperate with the investigation. This observation shall, however, not come in the way of the quash petition, if any, filed by the petitioner if he so chooses.

6. With the above directions, the Writ Petition is disposed of. No order as to costs.

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

SD/- M.OSMAN ALI BAIG
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

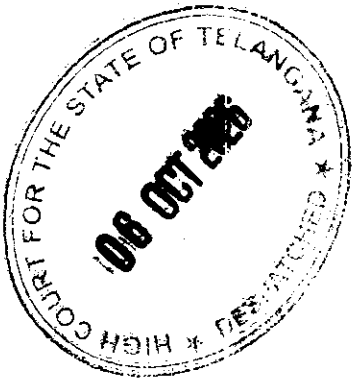
1. The Principal Secretary, Home Department, Secretariat Building, Hyderabad, State of Telangana.
2. The Deputy Commissioner of Police (Crimes DD), Hyderabad City at Hyderabad
3. The Assistant Commissioner of Police, Cyber Crimes, Hyderabad
4. The Station House Officer, P.S Cyber Crimes, Hyderabad
5. One CC to SRI T.V.RAMANA RAO, Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
7. Two CD Copies

PSK.
PSK

CC TODAY

HIGH COURT

DATED: 06/10/2026



ORDER
WP.No.33803 of 2026

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS.