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

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

PRESENT

THE HONOURABLE SMT JUSTICE TANGIRALA MADHAVI DEVI

WRIT PETITION NO: 34027 OF 2026

Between:

Syed Mubeen, S/o. Syed Shali Miya, Age. 34 years, Occ. Private Employee, R/o. H.No. 37/P, Gaytari Prism, Backside Chenna Reddy Colony, Zaheerabad, Zaheerabad Mandal, Sangareddy District.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Home (Police) Department Secretariat Buildings, Hyderabad.
2. The Superintendant of Police-Sangareddy, Sangareddy Disrict.
3. The Station House Officer, Zahirabad Town Police Station, Sangareddy 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 direction, order, or writ, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent No.3 in frequently calling/ summoning the Petitioner to the Police Station and harassing and intimidating him under the guise of FIR No.429 of 2026, dated 28-09-2026, for the offences U/s.318(4) of BNS, without issuing any mandatory notice U/s. 35(3) of BNSS, as illegal, arbitrary, and mala fide, offending Articles 14 and 19 of the Constitution of India, apart from being in violation of the guidelines laid down by the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar, reported in (2014) 8 SCC 273, consequently. a. direct the Respondent No.3 to refrain from frequently calling the

Petitioner to the police station and harassing/ intimidating him and b. direct the respondent No.3 to issue the Petitioner with notice U/s. 35(3) of BNS.

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 to refrain from frequently calling the Petitioner to the police station and harassing/ intimidating him in the guise of FIR No.429 of 2026, dated 28-09-2026, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI V.POORNASRI

Counsel for the Respondents: SRI D.PRADEEP, AGP FOR HOME

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. 34027 of 2026

(CNR No. HBHC010697692026)

DATE: 08.10.2026

Between:

Syed Mubeen

...Petitioner

AND

The State of Telangana and 2 others

...Respondents

ORDER

This Writ Petition is filed seeking the following relief:

"...to issue a direction, order, or writ, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent No.3 in frequently calling/ summoning the Petitioner to the Police Station and harassing and intimidating him under the guise of FIR No.429 of 2026, dated 28-09-2026, for the offences U/s.318(4) of BNS, without issuing any mandatory notice U/s. 35(3) of BNSS, as illegal, arbitrary, and mala fide, offending Articles 14 and 19 of the Constitution of India, apart from being in violation of the guidelines laid down by the Honble Supreme

Court in Arnesh Kumar v. State of Bihar, reported in (2014) 8 SCC 273, consequently:

a. direct the Respondent No.3 to refrain from frequently calling the Petitioner to the police station and harassing/ intimidating him;

b. direct the respondent No.3 to issue the Petitioner with notice U/s. 35(3) of BNS; and,

c. pass... "

2. Heard learned counsel for the petitioner and Sri D.Pradeep, learned Assistant Government Pleader for Home appearing for respondents No.1 to 3.

3. Learned counsel for the petitioner submitted that Crime No.429 of 2026 dated 28.09.2026 has been registered against the petitioner and another on the file of Zahirabad Town Police Station, Sangareddy, for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023. It is further submitted that the petitioner has been arrayed as accused No.1 in the said crime and the offence alleged against the petitioner is punishable with imprisonment less than seven (07) years and therefore, the respondent-police may be directed to issue notice

under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita, 2023, to the petitioner and follow the guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar***[1].

4. Having regard to the fact that the offence under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 are punishable with imprisonment upto seven (07) years, the respondent police are directed to follow the procedure contemplated under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The respondent police shall also scrupulously follow the guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar (cited supra)***, and proceed strictly in accordance with law. The petitioner shall cooperate with the investigation in accordance with law. The respondent police shall not summon the petitioner to the police station except for justifiable cause. However, if the provisions of sections mentioned in the F.I.R. are altered and as a consequence, Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 is not applicable, the respondent police are at liberty to take further action in accordance with law.

[1] (2014) 8 SCC 273

5. With the above observations and directions, this Writ Petition is disposed of. No order as to costs.

Miscellaneous applications, if any, pending shall stand closed.

Sd/-K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home (Police) Department Secretariat Buildings, Hyderabad.
2. The Superintendant of Police-Sangareddy, Sangareddy Disrict.
3. The Station House Officer, Zahirabad Town Police Station, Sangareddy District.
4. One CC to SRI V.POORNASRI, 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: 08/10/2026

ORDER

WP.No.34027 of 2026



DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

9/10/26