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

FRIDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE TANGIRALA MADHAVI DEVI

WRIT PETITION NO: 34339 OF 2026

Between:

1. Pochagoud Chennagari @ Chennagari Pocha Goud, S/o. Muttagoud @ Chennagari Mutta Goud, Age 75 Years, Occ NIL, R/o. 2-104, Waddepally Village, Doulatabad Mandal, Siddipet District.
2. Ramagoud Chennagari @ Chennagari Rama Goud, S/o. Muttagoud @ Chennagari Mutta Goud, Age 53 Years, Occ Business, R/o. 2-104, Waddepally Village, Doulatabad Mandal, Siddipet District.

...PETITIONERS

AND

1. The State of Telangana, represented by its Principal Secretary to the Home Department, Secretariat Buildings, Hyderabad.
2. The Sub-Divisional Police Officer Cum Deputy Superintendent of Police, Gajwel Division, Gajwel, Siddipet District.
3. The Station House Officer, Raipole Police Station, Raipole Proper and Mandal, Siddipet District.
4. Mallaiah Bandla, S/o. Eedaiah, Age 40 Years, Occ Agriculture, R/o. Waddepally Village, Raipole Mandal, Siddipet 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 an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondents No's. 2 and 3, in threatening to get settle the issues with the respondent No. 4, in pursuance of the registration of the F.I.R. 103 of 2026, of P.S. Raipole, Siddipet District, and not following the procedure contemplated under Section 41 (A) of the Cr.P.C. (35 (3) of

B.N.S.S.) and also the guidelines formulated by the Hon'ble Apex Court in Arnesh Kumar Vs State of Bihar reported in 2014 (8) SCC 273 in connection with F.I.R. No. 103 of 2026, of P.S. Raipole, Siddipet District, is nothing but depriving the personal liberties of the petitioners, illegal, null and void and violative of Articles 14, 19 and 21 of the constitution of India. Consequently direct the respondents No. 2 and 3, to follow the procedure contemplated under Section 41 (A) of the Cr.P.C. (35 (3) of B.N.S.S.) and also the guidelines formulated by the Hon'ble Apex court in Arnesh Kumar Vs State of Bihar reported in 2014 (8) SCC 273 in connection with F.I.R. No. 103 of 2026, of P.S. Raipole, Siddipet District.

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. 2 and 3, to follow the procedure contemplated under Section 41 (A) of the Cr.P.C. (35 (3) of B.N.S.S.) and also the guidelines formulated by the Hon'ble Apex court in Arnesh Kumar Vs State of Bihar reported in 2014 (8) SCC 273 in connection with F.I.R. No. 103 of 2026, of P.S. Raipole, Siddipet District.

Counsel for the Petitioner: SRI K.VENUMADHAV

Counsel for the Respondent Nos.1 to3 : GP FOR HOME

Counsel for the Respondent No.4: - --

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

WRIT PETITION No.34339 of 2026
(CNR No. HBHC010704952026)

DATE: 09.10.2026

Between:

Pochagoud Chennagari @ Chennagari Pocha Goud and another ... Petitioners

AND

The State of Telangana and others ... Respondents

:: ORDER ::

This Writ Petition is filed seeking the following relief:

"...to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondents Nos.2 and 3, in threatening to get settle the issues with the respondent No.4, in pursuance of the registration of the F.I.R. 103 of 2026, of P.S. Raipole, Siddipet District, and not following the procedure contemplated under Section 41(A) of the Cr.P.C. (35(3) of B.N.S.S.) and also the guidelines formulated by the Hon'ble Apex Court in Arnesh Kumar Vs. State of Bihar reported in 2014(8) SCC 273 in connection with F.I.R. No.103 of 2026, of P.S. Raipole, Siddipet District, is nothing but depriving the personal liberties of the petitioners, illegal, null and void and violative of Articles 14, 19 and 21 of the Constitution of India. Consequently, direct the respondents No.2 and 3, to follow the procedure contemplated under Section 41(A) of the Cr.P.C. (35(3) of B.N.S.S.) and also the guidelines formulated by the Hon'ble Apex Court in Arnesh Kumar Vs. State of Bihar reported in 2014 (8) SCC 273 in connection with F.I.R. No.103 of 2026, of P.S. Raipole, Siddipet District, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice".

2. Heard Sri K.Venumadhav, learned counsel for the petitioners and Sri Mahesh Raje, learned Government Pleader for Home, appearing for respondents No.1 to 3.

3. Learned counsel for the petitioners submitted that Crime No.103 of 2026 dated 05.10.2026 has been registered against the petitioners on the file of Raipole Police Station, Siddipet District for the offences punishable under Sections 115(2), 352 of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(Va), 3(1)(r)(s)(c) of the SC/ST (POA) Act. It is further submitted that the offence alleged against the petitioners 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, (for short, "BNSS") 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 offences alleged against the petitioners are punishable with imprisonment upto seven (07) years, the respondent police are directed to issue notice under Section 35(3) of the BNSS, 2023 to the petitioners and shall also scrupulously follow the

[1] (2014) 8 SCC 273

guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar (cited supra)***, and 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. However, if the provisions of sections mentioned in the F.I.R. are altered and as a consequence, Section 35(3) of the BNSS, 2023 is not applicable, the respondent police are at liberty to take further action in accordance with law.

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

Miscellaneous applications, if any, pending shall stand closed.

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

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary to the Home Department, Secretariat Buildings, Hyderabad.
2. The Sub-Divisional Police Officer Cum Deputy Superintendent of Police, Gajwel Division, Gajwel, Siddipet District.
3. The Station House Officer, Raipole Police Station, Raipole Proper and Mandal, Siddipet District.
4. One CC to SRI K.VENUMADHAV, Advocate [OPUC]
5. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

PMK
PB

HIGH COURT CC TODAY

DATED: 09/10/2026

ORDER

WP.No.34339 of 2026



DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

14/10/26