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: 34244 OF 2026

Between:

1. P.M. Sai Prasad, S/o Pampari Murali Gopal, Aged about 35 years, Occ- Business Rio H.No.1-5-84, Gangaputra Colony, Old Alwal, Hyderabad.
2. Paka Shiva, S/o Late Paka Durgaiah, Aged about 32 years, Occ- Bussiness, R/o 9-92/4, Vijay Mohan Residency, Venkateshwara Nagar, Beside Tirumala Gardens, Malkajgiri, Telangana 500047
3. Balakonda Rahul Shiva, S/o B. Prabhakar Aged about 26 years,Occ- Advocate, R/o 2-20-025, Jagadish Nagar Colony. Rasoolpura, Hyderabad
4. Johnson Shrisunder, s/o Suresh Shri Sunder Aged about 38 years, Occ- Bussiness. R/o 1-33-225, Plot No 1, G Floor, Lake Castle, Lalamiya Basti, Tirumulgherry, Hyderabad, Telangana
5. T.L.Aditya Raj, S/o T. Hanumanth Rao. Aged about 35 years, Occ- Bussiness. R/o 1-5-244/1, Sree Nagar Colony, Old Alwal, Hyderabad, Telangana

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. Commissioner of Police, Malkajgiri,
3. Assistant Commissioner of Police, Alwal Division.
4. The Station House Officer, Alwal Police Station.
5. Smt. D. Padmini, W/o Ajith Sai, Aged about 28 years, Occ- State BJP SC Morcha Social media convenor R/o H.No.1-5-117, Plot No.140, Vasavi Enclave, Old Alwal, 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 an Order, Direction or Writ. more particularly a Writ of Mandamus declaring the action of the Respondent No. 4 in trying to interfere with the personal liberty of the petitioners and trying to arrest them in connection with FIR No. 989/2026 on the file of P.S. Alwal for the offences under Sections 75, 78, 79, 352, 351(3), 61 read with 3(5) of the Bharatiya Nyaya Sanhita. 2023. Sections 66C and 66E of the Information Technology Act. 2000 and Sections 3(1)(r), 3(1)(s) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 without issuing notice u/sec. 35 (3) of BNS and without following the guidelines of Judgment of Arnesh Kumar Vs. State of Bihar reported in AIR 2014 SC 2756 as illegal, improper, unjust, arbitrary, contrary to law and the Judgments of this Hon'ble Court and consequently direct the Respondent No.4 not to interfere with the personal liberty of the petitioner in connection with FIR No. 989/2026 P.S. Alwal for the offences u/section 75, 78. 79, 352, 351(3), 61 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023. Sections 66C and 66E of the Information Technology Act. 2000 and Sections 3(1)(r), 3(1)(s) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 without issuing notice u/sec. 35 (3) Of BNS and without following the guidelines of Judgment of Arnesh Kumar Vs. State of Bihar.

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.4 not to interfere with the personal liberty of the petitioners/Accused, in connection with FIR No. 989/2026 P.S. Alwal for the offences u/section 75, 78, 79, 352, 351(3), 61 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 66C and 66E of the Information Technology Act, 2000 and Sections 3(1)(r), 3(1)(s) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 without issuing notice u/sec. 35 (3) of BNS and without following the guidelines of Judgment of Arnesh Kumar Vs. State of Bihar, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI SIRIPURAM KESHAVA

Counsel for the Respondent Nos.1 to 4: 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 HON'BLE SMT JUSTICE TANGIRALA MADHAVI DEVI

W.P.NO. 34244 OF 2026
(CNR No. HBHC010705622026)
DATED: 08.10.2026

Between
P.M.Sai Prasad and Four Others

... Petitioners

And
The State of Telangana and Four Others.

... Respondents

ORDER

This Writ Petition is filed seeking the following relief:

"...to issue an Order Direction or Writ more particularly a Writ of Mandamus declaring the action of the respondent No.4 in trying to interfere with the personal liberty of the petitioners and trying to arrest them in connection with FIR No.989/2026 on the file of P.S.Alwal for the offences under Sections 75, 78, 79, 352, 351(3), 61 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 66C and 66E of the Information Technology Act, 2000 and Sections 3(1)(r), 3(1)(s) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 without issuing notice Under Section 35(3) of BNS and without following the guidelines of Judgment of Arnesh Kumar Vs State of Bihar reported in AIR 2014 SC 2756 as illegal, improper, unjust, arbitrary, contrary to law and the Judgments of this Hon'ble Court and consequently direct the respondent No.4 not to interfere with

the personal liberty of the petitioners in connection with FIR No.989/2026, P.S.Alwal for the offences under Sections 75, 78, 79, 352, 351(3), 61 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 66C and 66E of the Information Technology Act, 2000 and Sections 3(1)(r), 3(1)(s) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 without issuing notice Under Section 35(3) of BNS and without following the guidelines of Judgment of Arnesh Kumar Vs State of Bihar 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.989 of 2026, under Sections 75, 78, 79, 352, 351(3), 61 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 66C and 66E of the Information Technology Act, 2000 and Sections 3(1)(r), 3(1)(s) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on 05.10.2026 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 AIR 2014 SC 2756.

4. Having regard to the fact that the offences under Sections 75, 78, 79, 352, 351(3), 61 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 66C and 66E of the Information Technology Act, 2000 and Sections 3(1)(r), 3(1)(s) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, 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/-K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Malkajgiri,
3. The Assistant Commissioner of Police, Alwal Division.
4. The Station House Officer, Alwal Police Station.
5. One CC to SRI SIRIPURAM KESHAVA, 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: 08/10/2026

ORDER

WP.No.34244 of 2026



DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

10 SKJ 9/10/26