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: 34510 OF 2026

Between:

1. ASHUTOSH KUMAR, S/o. RAKESH KUMAR Aged about 35 years Occ. Private Employee R/o 102 Bajaj Jade Union Park Thar West Mumbai
2. SAURABH, S/o. VI NOD KUMAR Aged About 38 Years Occupation. Private Employee R/o 102 Bajaj Jade Union Park Thar West Mumbai
3. TARUN KUMAR, S/O HARSH KUMAR Age 33 Occ. Private Employee R/o 102 Bajaj Jade Union Park Thar West Mumbai

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary to Government, Home Department, Telangana Secretariat, Hyderabad, Telangana State.
2. The Director General of Police, Telangana State, Hyderabad.
3. The Commissioner of Police, Malkajgiri Police Commissionerate, Telangana State.
4. The Station House Officer, Gopalapuram Police Station, Telangana State.

...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 appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, declaring the action of Respondent No. 4 in repeatedly making telephonic calls to the petitioners and requiring their attendance at Gopalapuram Police Station, in a manner causing unnecessary harassment and apprehension, as illegal, arbitrary and contrary to the procedure established by law, and consequently direct the respondent No.4 authorities to forthwith refrain from subjecting the petitioners to unnecessary harassment by repeatedly calling them to the police

station without lawful justification and to follow the procedure prescribed under the Bharatiya Nagarik Suraksha Sanhita, 2023.

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 respondent No.4 authorities to forthwith refrain from subjecting the petitioners to unnecessary harassment by repeatedly calling them to the police station without lawful justification and to follow the procedure prescribed under the Bharatiya Nagarik Suraksha Sanhita, 2023, pending disposal of the above writ petition.

Counsel for the Petitioners: Ms. RAHEEM UNNISA SULTANA FOR SRI SATYANARAYANA DHARMAPURI

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. 34510 of 2026

(CNR No. HBHC010709682026)

DATE: 09.10.2026

Between:

Ashutosh Kumar and 2 others

...Petitioner

AND

The State of Telangana and 3 others

...Respondents

ORDER

This Writ Petition is filed challenging the action of respondent No.4 in repeatedly calling the petitioners to attend their police station at Gopalapuram and causing inconvenience to the petitioners.

2. Heard Ms. Raheem Unnisa Sultana, learned counsel representing learned counsel for the petitioners and Sri D.Pradeep, learned Assistant Government Pleader for Home appearing for respondents No.1 to 4.

3. Learned Assistant Government Pleader for Home, on oral instructions, submitted that F.I.R.No.242 of 2026 dated 01.10.2026

has been registered against the petitioners on the file of Gopalapuram Police Station, Malkajgiri, for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023. It submitted that the petitioners have been arrayed as accused Nos.3, 2 and 1 respectively and that they are residents of Mumbai. It is further submitted that the petitioners have been called to the police station as part of investigation.

4. The learned counsel for the petitioners submitted that the offence alleged against the petitioners is punishable with imprisonment of 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].

5. Having regard to the fact that the offences under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 are punishable with imprisonment upto seven (07) years and since the petitioners are residents of Mumbai, the petitioners are directed to appear before respondent No.4 on 14.10.2026 before 04:00 PM, whereupon the

[1] (2014) 8 SCC 273

respondent police shall serve notices under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, on them, and 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 petitioners shall give an undertaking to respondent No.4 to 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 Bharatiya Nagarik Suraksha Sanhita, 2023 is not applicable, the respondent police are at liberty to take further action in accordance with law.

6. 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/- P. PRAMOD NAIK
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. Sri Ashutosh Kumar, S/o. Rakesh Kumar, Aged about 35 years, Occ. Private Employee, R/o. 102, Bajaj Jade, Union Park, Thar West Mumbai
2. Sri Saurabh, S/o. Vinod Kumar, Aged About 38 Years, Occupation. Private Employee, R/o 102 Bajaj Jade Union Park Thar West Mumbai
3. Tarun Kumar, S/o Harsh Kumar, Age 33, Occ. Private Employee, R/o 102, Bajaj Jade, Union Park, Thar West Mumbai.
4. The Principal Secretary to Government, Home Department, Telangana Secretariat, Hyderabad, Telangana State.

5. The Director General of Police, Telangana State, Hyderabad.
6. The Commissioner of Police, Malkajgiri Police Commissionerate, Telangana State.
7. The Station House Officer, Gopalapuram Police Station, Telangana State.
8. One CC to SRI SATYANARAYANA DHARMAPURI, Advocate [OPUC]
9. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
10. Two CD Copies

PSK.

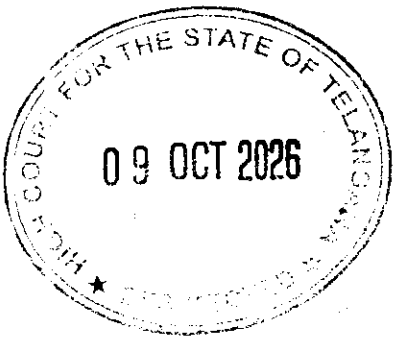


CC TODAY

HIGH COURT

DATED: 09/10/2026

ORDER
WP.No.34510 of 2026



DISPOSING OF THE WRIT PETITION WITHOUT COSTS.

13 SP 9/10/26