



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

**FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE
PRESENT**

**THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA
WRIT PETITION NO: 33611/2025**

Between:

1. SHAIK BURAN SAHARA BEGAM, W/O. SHAIK BURAN MAHABOOB HUSSAIN, AGED ABOUT 46 YEARS, R/O. D.NO.2/414-B, KESANNA SATRAM STREET, PRODDATUR, YSR (KADAPA) DISTRICT
2. SHAIK BURAN MOHAMMED ALI, S/O. SHAIK BURAN MAHABOOB HUSSAIN, AGED ABOUT 23 YEARS, R/O. D.NO.2/414-B, KESANNA SATRAM STREET, PRODDATUR, YSR (KADAPA) DISTRICT
3. SHAIK BURAN MOHAMMED IRFAN, S/O. SHAIK BURAN MAHABOOB HUSSAIN, AGED ABOUT 20 YEARS, R/O. D.NO.2/414-B, KESANNA SATRAM STREET, PRODDATUR, YSR (KADAPA) DISTRICT

...PETITIONER(S)

AND

1. THE STATE OF AP, REPRESENTED BY ITS PRINCIPAL SECRETARY DEPARTMENT OF HOME, SECRETARIAT BUILDINGS, VELGAPUDI, AMRAVATHI, ANDHRA PRADESH.
2. THE DIRECTOR GENERAL OF POLICE, STATE OF ANDHRA PRADESH, AMRAVATHI.
3. THE SUPERINTENDENT OF POLICE, YSR (KADAPA) DISTRICT AT KADAPA
4. THE DEPUTY SUPERINTENDENT OF POLICE, MYDUKUR SUB-DIVISION, YSI (KADAPA) DISTRICT
5. THE STATION HOUSE OFFICER, CHAPADU POLICE STATION, YSR (KADAPA) DISTRICT
6. KHADER BHAI GARI MEHATHAB, W/O. MAINUDDIN, AGED ABOUT 30 YEARS, R/O. KHADERPALLE VILLAGE, VHAPADU MANDAL, YSR (KADAPA) DISTRICT

...RESPONDENT(S):

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 more particularly one in the nature of Mandamus declaring the action of the respondents more

particularly respondent No.5 in frequently calling the petitioners to the respondent police station upon the instance of the respondent No.6 and harassing the petitioners and interfering in the fundamental rights of Life and personal liberties of the petitioners as illegal, arbitrary without jurisdiction and also violating Article 14, 21 of the Constitution of India and consequently direct the respondents not to harass the petitioners in calling to the respondent No.5 Police Station and not to interfere with the personal liberties of the petitioners and pass

Counsel for the Petitioner(S):

1. SHAIK MOHAMMED ISMAIL

Counsel for the Respondent(S):

1. GP FOR HOME

The Court made the following:

ORDER:

This Writ Petition under Article 226 of the Constitution of India, has been filed, by the Petitioners for the following relief:

" ... to issue a Writ, order or direction more particularly one in the nature of Mandamus declaring the action of the respondents more particularly respondent No.5 in frequently calling the petitioners to the respondent police station upon the instance of the respondent No.6 and harassing the petitioners and interfering in the fundamental rights of Life and personal liberties of the petitioners as illegal, arbitrary without jurisdiction and also violating Articles 14 and 21 of the Constitution of India and consequently, direct the respondents not to harass the petitioners in calling to the respondent No.5 Police Station and not to interfere with the personal liberties of the petitioners and pass ..."

Heard learned counsel for the Petitioners and Learned Assistant Government Pleader for Home representing for respondent State. Perused the material on record.

At the time of hearing, learned counsel for the Petitioners requested the Court that a direction may be given to respondent Police to follow the procedure under Section 35(3) of BNSS, 2023 and requested to dispose of the Writ Petition by passing appropriate orders.

Learned Assistant Government Pleader for Home placed on written instructions and would submit that necessary directions may be given to respondent Police by disposing of this Writ Petition.

Considering the submissions made, Police are directed to scrupulously follow the procedure prescribed under Section 35(3) of BNSS, which is *pari*

materia to Section 41-A of the Code of Criminal Procedure, and the guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***¹.

Accordingly, this Writ Petition is disposed of. No order as to costs.

Pending applications, if any, shall stand closed.

DR.JUSTICE VENKATA JYOTHIRMAI PRATAPA

*Mjl/**
05.12.2025

¹ (2014) 8 SCC 273

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Writ Petition No. 33611 of 2025

05.12.2025

*Mjl /**