

(SHOW CAUSE NOTICE BEFORE ADMISSION)**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

MONDAY, THE TWENTY NINTH DAY OF APRIL

TWO THOUSAND AND TWENTY FOUR

:PRESENT:**THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY****WRIT PETITION NO: 11293 OF 2024****Between:**

1. Guntupalli Srinivas Rao, S/o.Poorna Chandra Rao.
2. Guntupalli Padmaja, W/o. Guntupalli Srinivas Rao.

Petitioners**AND**

1. The State of Telangana, Department of Home, Rep. by its Principal Secretary, Secretariat Building, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad City, Hyderabad, Telangana.
3. The Addl. Commissioner of Police, Crime and SIT, Hyderabad City, Hyderabad, Telangana.
4. The Deputy Commissioner of Police, Detective Department, CCS, DD, Hyderabad.
5. The Assistant Commissioner of Police, EOW Team- IV, CCS, DD, Hyderabad.
6. The Station House Officer, Jubilee Hills Police Station, Hyderabad.
7. C Sarat Chandra, S/o. Ch.Balaiah, Aged. 40 years, Occ. Business, R/o. Flat No. 2110, Vasavi GP Trends, Road No.2, Nanakramguda, Hyderabad.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri YEMMIGANUR SOMA SRINATH REDDY presented this 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, direction more particularly one in the nature of a Writ of Mandamus

1. Declaring the action of the respondent no. 2 and 3 in issuing the Memo vide Proc No.HCP/M/M3/0054/2024 dated 12.03.2024 transferring the preliminary Cr No. 150 of 2024 of PS. Jubilee Hills pending on the file of the Honble XVII Addl Chief Metropolitan Magistrate, Hyderabad to Central Crime Station, Hyderabad subsequently the direction of the respondent no. 4 to Re-Resister the crime thereby allotting the Crime Case dairy to Respondent no. 5 for investigation vide Cr No. 101 of 2024 of PS. INSP ADMIN(DD) on the file of the Honble XII Addl Chief Metropolitan Magistrate, Hyderabad without assigning any reasons and not taking the express permission of the Honble Court as illegal, arbitrary, unconstitutional and violative of the Art 14, 20, 21,

22- of the Constitution of India and Criminal procedure and violation of the principles of natural justice and thereby set it aside,

2. Direct respondent no. 3 to 5 not to take any coercive action and under the guise of investigation to settle civil disputes in pursuance of Cr No. 101 of 2024 of PS. INSP ADMIN(DD) on the file of the Honble XII Addl Chief Metropolitan Magistrate, Hyderabad,

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri YEMMIGANUR SOMA SRINATH REDDY Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

C Sarat Chandra, S/o. Ch.Balaiah, Aged. 40 years, Occ. Business, R/o. Flat No. 2110, Vasavi GP Trends, Road No.2, Nanakramguda, Hyderabad.

are directed to show cause on or before 07.06.2024 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2024

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 stay all further investigation Cr No. 101 of 2024 of PS. INSP ADMIN(DD) on the file of the Hon'ble XII Addl Chief Metropolitan Magistrate, Hyderabad, pending disposal of WP No. 11293 of 2024, on the file of the High Court.

The Court made the following: ORDER

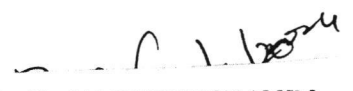
Notice to respondent No.7.

Personal notice to respondent No.7 permitted.

There shall be interim direction to the respondents No.4 and 5 to comply with the procedure contemplated under Section 41-A of the Criminal Procedure Code, 1973 and the guidelines issued by the Supreme Court in **ARNESH KUMAR v. STATE OF BIHAR** {(2014) 8 SCC 273}, as the offences, mentioned in Cr.No.150 of 2024 on the file of the Jubilee Hills Police Station

and transferred to Central Crime Station and re-registered as Cr.No.101 of 2024, under Sections 406 and 420 of the Indian Penal Code, 1860 are punishable with maximum imprisonment up to seven years.

List on 07.06.2024.


SD/-P.Ch. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Department of Home, State of Telangana, Secretariat Building, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad City, Hyderabad, Telangana.
3. The Addl. Commissioner of Police, Crime and SIT, Hyderabad City, Hyderabad, Telangana.
4. The Deputy Commissioner of Police, Detective Department, CCS, DD, Hyderabad.
5. The Assistant Commissioner of Police, EOW Team- IV, CCS, DD, Hyderabad.
6. The Station House Officer, Jubilee Hills Police Station, Hyderabad.
. (FOR 1 TO 6 by RPAD)
7. C Sarat Chandra, S/o. Ch.Balaiah, Aged. 40 years, Occ. Business, R/o. Flat No. 2110, Vasavi GP Trends, Road No.2, Nanakramguda, Hyderabad.
(by RPAD- along with a copy of petition and affidavit)
8. One CC to SRI. YEMMIGANUR SOMA SRINATH REDDY Advocate [OPUC]
9. Two CCs to GP FOR HOME ,High Court at Hyderabad. [OUT]
10. One spare copy

HIGH COURT

BVRJ

DATED:29/04/2024

POST ON 07.06.2024



NOTICE BEFORE ADMISSION

WP.No.11293 of 2024

INTERIM DIRECTION