



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

**TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

WRIT PETITION NO: 15004 OF 2026

Between:

Archana Beligini, W/o. Shiva Kumar, aged about 39 years, Occ. House Wife,
R/o. H.No.1-10-154/9/A, Vivars Colony, Jangaon Town and District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Hyderabad.
2. The Commissioner of Police (CP), Warangal Commissionerate, Warangal.
3. The Station House Officer, (SHO), P.S. Narsampet, Warangal District.
4. Karnakar Dusari, S/o. Raju, aged about 29 years, Occ. Pvt Employee, R/o.Narsampet, Warangal 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 By declaring the inaction of the respondent no. 3 in following the due process of law prescribed under section 41-A of Cr.P.C/ Sec.35 (3) of BNSS as per the Hon'ble Apex Court Judgment in Arnesh Kumar case as arbitrary, illegal and Consequently direct the respondent no.3 to follow the due process of law prescribed under section 41-A of Cr.P.C/ Sec.35 (2) of BNSS.



2026:TSHC:8295

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.3 to follow the due process of law prescribed under section 41-A of Cr.P.C/ Sec.35(3) of BNSS as per the Hon'ble Apex Court Judgement in Arnesh Kumar case, pending disposal of the writ petition.

Counsel for the Petitioner : Ms.Mogili Anaveni

Counsel for the Respondents No.1to3 : SRI M.SRINIVAS, AGP FOR HOME

Counsel for the Respondents No.4 :

--

The Court made the following: ORDER



2026:TSHC:8295

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE E.V.VENUGOPAL

WRIT PETITION No.15004 of 2026

DATE OF ORDER: 05.05.2026

Between:

Archana Beligini

...Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Home Department, Hyderabad,
and three others

...Respondents

ORDER :

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

"....to issue an order or direction more particularly one in the nature of Writ of Mandamus by declaring the in action of respondent No.3 in not following the due process of law prescribed under section 41A of Cr.P.C/ Sec 35(3) of BNSS as per the Hon'ble Apex Court Judgment in Arnesh Kumar case as arbitrary, illegal and consequently direct the respondent No.3 to follow the due process of law prescribed under section 41A of Cr.P.C/ Sec 35 (3) of BNSS...."

2. Heard Ms. Mogili Aniveni, learned counsel for the petitioner and Sri M.Srinivas, learned Assistant Government Pleader for Home appearing for the respondent Nos.1 to 3.

3. Learned counsel for the petitioner submits that respondent No.4 filed a complaint against the petitioner and basing on the said complaint, respondent No.3 registered a case in Crime No.87 of 2026 dated 19.03.2026 for the offences under Sections 318(4), 316(2) r/w 3(5) of BNS and took up investigation. It is further submitted that the petitioner never committed said offences and respondent No.4 has falsely implicated the petitioner in the said crime against and that notice under Section 35(3) of BNSS was not issued to the petitioner and the said action is in violation of the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar V. State of Bihar**¹. Stating so, seeks to pass appropriate orders.

4. Learned Assistant Government Pleader for Home, appearing for respondent Nos. 1 to 3, on instructions, of the Sub-Inspector of Police, Narsampet Police Station, Warangal Commissionerate, submits that respondent No.4 lodged a complaint before respondent No.3 stating that the petitioner

¹ 2014(8) SCC 273



along with others cheated him amounting to Rs. 35,00,000/- in the name of providing the Patrol bunk at Hanamkonda on lease. Acting on the said complaint, a case has been registered in Crime No.87 of 2026 dated 19.03.2026 for the offences under Sections 318(4), 316(2) R/w. 3(5) BNS against the petitioner and others and investigation has been taken up. During the course of investigation, the Investigating Officer examined and recorded the detailed statements of LWs-1 to 4. The Investigating Officer brought the A-1 & A-3 on P.T. Warrant on 24.03.2026 and also served notices U/s. 35(3) BNSS to the petitioner (accused No.2), but the petitioner did not choose to cooperate with the investigating agency and the petitioner is still absconded. After examination of some more witnesses and collection of evidence the investigation will be finalized and an appropriate report will be filed. before the competent Court. It is further submitted that the Investigating Officer followed the guidelines of the Hon'ble Supreme Court in **Arnesh Kumar's case** (supra) and issued notice under Section 41-A of Cr.P.C., but the petitioner has not cooperated with the investigation and still absconded.

5. This Court, having heard the learned counsel for the petitioner, learned Assistant Government Pleader for Home, on perusal of the record and the written instructions produced by

the learned Assistant Government Pleader for Home, deems it appropriate to dispose of this writ petition directing the petitioner to appear before respondent No.3 on 19.05.2026 at 11 AM. In the event of petitioner appearing before respondent No.3, respondent No.3 shall issue notice under Section 35(3) BNS and conduct investigation strictly in accordance with law and the petitioner shall cooperate with the further investigation of respondent No.3.

6. With the above observations, this writ petition is disposed of. No costs.

As a sequel, miscellaneous petitions, if any, pending, shall stand closed.

//TRUE COPY//

SD/- B. REKHA RANI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, Secretariat, Telangana State Hyderabad.
2. The Commissioner of Police (CP), Warangal Commissionerate, Warangal.
3. The Station House Officer, (SHO), P.S. Narsampet, Warangal District.
4. One CC to SRI. MOGILI ANAVENI Advocate [OPUC]
5. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies.

BSK



2026:TSHC:8295

HIGH COURT

DATED: 05/05/2026



ORDER

WP.No.15004 of 2026

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

⑨
kpr
22/5/26