

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

**MONDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 24972 OF 2024

Between:

KURA VEERENDHER REDDY, Son of Late Kura Satyanarayana Reddy

Petitioner

AND

1. THE STATE OF TELANGANA, Represented by its Secretary, Home Department, Secretariat Building, Hyderabad, Telangana.
2. THE COMMISSIONER OF POLICE, Vayupuri Colony, beside Malkajgiri Court Complex, Neredmet, Rachakonda District, Telangana State- 500056.
3. THE STATION HOUSE OFFICER, Police Station Nacharam, Mallapur Road, Bhavani Nagar, Nacharam, Rachakonda District, Telangana 500076.
4. THE DEPUTY COMMISSIONER OF POLICE SOT, Rachakonda, Beside Jawaharnagar Police Station, Jawaharnagar, Medchal Malkajgiri District, 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 Writ of Mandamus, declaring the action of the Respondent No.2 to 4 in not following the procedure contemplated U/s.41A of Cr.P.C. and frequently calling the Petitioner to the Police Station of Respondent No.3 and 4 under the guise of investigation in the F.I.R.No.537 of 2023 dated 16.10.2023 of Police Station Nacharam, as illegal, arbitrary and violative of Article 21 of the Constitution of India and Consequently direct the Respondent No.2 to 4 to carry out the investigation by following the procedure U/s.41A Cr.P.C. without taking any coercive steps against the Petitioner or mandating physical presence of the Petitioner.

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 direct the Respondent No.2 to 4 to follow procedure contemplated U/s.41A of Cr.P.C. without taking any coercive steps against the Petitioner in F.I.R.No.537 of 2023 dated 16.10.2023 of Police Station Nacharam, Pending disposal of WP 24972 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri DHARMESH D.K.JAISWAL, Advocate for the Petitioner, GP FOR HOME for the Respondents and the Court made the following.

ORDER:

As it is submitted by learned counsel for the petitioner that all the offences of FIR No.537 of 2023(under Sections 406, 465, 468, 471 and 420 read with Section 34 of Indian Penal Code) of Nacharam Police Station are punishable with imprisonment for a term less than seven (7) years, respondents No.3 and 4 are directed to comply with the procedure laid down under Section 41-A of the Code of Criminal Procedure, 1973 (Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023) and guidelines issued by the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar [(2014) 8 SCC 273].

Mr. R. Laxmikanth Reddy, learned Assistant Government Pleader for Home, seeks time to get instructions.

List on 30.09.2024.

**SD/- T. JAYASREE
ASSISTANT REGISTRAR**

//TRUE COPY//



SECTION OFFICER

To,

1. The Secretary, Home Department, the State of Telangana Secretariat Building, Hyderabad, Telangana.
2. The Commissioner of Police, Vayupuri Colony, beside Malkajgiri Court Complex, Neredmet, Rachakonda District, Telangana State- 500056
3. The Station House Officer, Police Station Nacharam, Mallapur Road, Bhavani Nagar, Nacharam, Rachakonda District, Telangana 500076.
4. The Deputy Commissioner of Police SOT, Rachakonda, Beside Jawaharnagar Police Station, Jawaharnagar, Medchal Malkajgiri District, Telangana State.

(for addresses 1 to 4 by RPAD)

5. One CC to SRI DHARMESH D.K.JAISWAL, Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court at Hyderabad. [OUT]
7. One spare copy

HIGH COURT

BVRJ

DATED:09.09.2024

List on 30.09.2024

ORDER

WP.No.24972 of 2024



DIRECTION