



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

SATURDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

WRIT PETITION NO: 32215 OF 2025

Between:

1. Mudumala Sidda Reddy, S/o Subba Reddy, Aged about 47 years, Occ. Business, R/o H.No. 9-111/119/1, Anajayanagar, Boduppall, Medchal-Malkajgiri District.
2. M Ravi @Ravi Chauhan, S/o Ramulu. Aged about 47 years, Occ. Business, R/o H.No. 9-111/119/1, Anajayanagar, Boduppall, Medchal-Malkajgiri District.
3. Kalyan Kumar, S/o Panthulya, Aged about 39 years, Occ. Business, R/o H.No. 2-8-50, Bharath Nagar, Uppal, Medchal-Malkajgiri District.
4. Mahaboob Basha Shaik, S/o Bhasha Shaik, Aged about 52 years, Occ. Business, R/o J.J. Nagar Colony, Yapral, Jawaharanagar, Medchal-Malkajgiri District 500 087.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Secretariat Buildings, Hyderabad.
2. The Director General of Police, Telangana State, Hyderabad.
3. The Commissioner of Police, Rachakonda Commissionerate,
4. The Assistant Commissioner of Police, L.B. Nagar Division, Rachakonda Commissionerate.
5. The Station House Officer, Nagole Police Station, Rachakonda Commissionerate
6. Veluri Jyothi, W/o.V. Lakshminarayana, Aged about 45 years; Occ. Business, R/o H.No. Block No.A05, Flat No.906, Sahabhavana Township Appts, Anand Nagar, Uppal, Medchal-Malkajgiri 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 a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent No.5 in non-following the provisions of section 35 of BNSS and non-following the directions of the



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Honourable Apex Court in Arnesh Kumar Vs State of Bihar and trying to arrest the Petitioners in Crime No. 750 of 2025 for the offences under section 137(2), 78, r/w 3(5) BNS on the file of P.S. Nagole is highly illegal, arbitrary, unconstitutional and violation of Articles 14, 15 and 21 of the Constitution of India and also violation of the Principles of Natural Justice and consequently direct the Respondent No. 5 to follow the due process of law U/sec. 35 of BNSS and directions of the Hon.ble Apex Court in Arnesh Kumar Vs State of Bihar in crime No. 750 of 2025 for the offences under section 137(2), 78, r/w 3(5) BNS on the file of P.S. Nagole.

IA NO: 1 OF 2025

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. 5 to follow the due process of law U/sec. 35 of BNSS and directions of the Honourable Apex Court in Arnesh Kumar Vs State of Bihar in crime No. 750 of 2025 for the offences under section 137(2), 78, r/w 3(5) BNS on the file of P.S. Nagole.

**Counsel for the Petitioners: SRI A. SUHAS CHARY REPRESENTING FOR
SRI RAPOLU BHASKAR, ADVOCATE**

**Counsel for the Respondent No.1 to 5: SRI R. LAXMIKANTH REDDY,
ASST. GP FOR HOME**

Counsel for the Respondent No.6: - - - -

The Court made the following: ORDER



THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION No.32215 OF 2025

ORDER:

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

"...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.5 in non-following the provisions of Section 35 of BNSS and non-following the directions of the Hon'ble Apex Court in Armesh Kumar Vs. State of Bihar and trying to arrest the petitioners in Crime No.750 of 2025 for the offences under Section 137(2), 78 r/w 3(5) BNS on the file of P.S. Nagole is highly illegal, arbitrary, unconstitutional and violation of Articles 14, 15 and 21 of the Constitution of India and also violation of the Principles of Natural Justice and consequently direct the respondent No.5 to follow the due process of law under Section 35 of BNSS and directions of the Hon'ble Apex Court in Armesh Kumar Vs. State of Bihar in Crime No.750 of 2025 for the offences under Section 137(2), 78 r/w 3(5) BNS on the file of P.S. Nagole and pass..."

2. Heard Mr.A. Suhas Chary, learned counsel representing Mr.Rapolu Bhaskar, learned counsel for the petitioners and Mr.R.Laxmikanth Reddy, learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 5.

3. Learned counsel for the petitioners submits that *Crime No. 750 of 2025* has been registered on the file of Nagole Police Station. It is contended that the petitioners are apprehending arrest as respondent No.5 is allegedly not adhering to the due process of law and the settled legal principles laid down by the Hon'ble Supreme Court in *Armesh Kumar v. State of Bihar* [(2014) 8 SCC 273]. Accordingly, the learned counsel prays for appropriate directions to safeguard the petitioners' rights.



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4. Learned Assistant Government Pleader for Home, appearing on behalf of respondent Nos.1 to 5, submits that *Crime No. 750 of 2025* was registered on 19.10.2025, and that the investigation is presently in progress. It is further submitted that the concerned police authorities shall conduct the investigation strictly in accordance with law.

5. I have carefully perused the material placed on record.

6. Having regard to the submissions made by the learned counsel for the petitioners and the stand taken by the learned Assistant Government Pleader for Home, it is evident that the crime has already been registered and investigation is ongoing. Therefore, the respondent police authorities are directed to conduct the investigation and all consequential proceedings strictly in accordance with law, ensuring compliance with the procedural safeguards envisaged under the CrPC/BNSS, and the principles laid down in judicial pronouncements, particularly the guidelines in *Arnesh Kumar v. State of Bihar* (supra).

7. With these observations and directions, this Writ Petition stands disposed of. There shall be no order as to costs.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/- A. SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Department The State of Telangana, , Secretariat, Secretariat Buildings, Hyderabad.
2. The Director General of Police, Telangana State, Hyderabad.

Handwritten signature/initials



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3. The Commissioner of Police, Rachakonda Commissionerate,
4. The Assistant Commissioner of Police, L.B. Nagar Division, Rachakonda Commissionerate.
5. The Station House Officer, Nagole Police Station, Rachakonda Commissionerate
6. One CC to SRI RAPOLU BHASKAR, Advocate [OPUC]
7. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
8. Two CD Copies

BN

PVL

[Signature]



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HIGH COURT

DATED:25/10/2025

ORDER

WP.No.32215 of 2025



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

⑪ fcp
4/11/25