

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

TUESDAY, THE TWENTY FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

**THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY
WRIT PETITION NO: 36363 OF 2024**

Between:

Kandula Venkata Prasad Guptha, S/o. Late Nageshwarao

...Petitioner

AND

1. The State of Telangana, Home Department, Rep. by its Principal Secretary, Secretariat Building, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad City Police, Basheerbagh Hyderabad.
3. The Deputy Commissioner of Police, Detective Department, CCS, DD, Hyderabad.
4. The Inspector of Police, EOW, Team VII, CCS, Hyderabad.
5. The Station House Officer, EOW, CCS (DD), Hyderabad.

...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:-

- a. Declaring the action of respondent No.4 in issuing multiple 41-A Cr.P.C. Notices to appear before the CCS, DD, Hyderabad Police Station, to the petitioner in connection with the same crime No.152 of 2024 in grave violation of the fundamental rights guaranteed under the constitution more particularly Articles 14, 20(3) of the Constitution of India and Criminal Procedure Code and further compelling the petitioner to settle Civil Disputes with the alleged victims under the guise of investigation as illegal, arbitrary, unconstitutional,
- b. Consequently, set aside the Sec 41-A Cr.P.C. Notice vide Notice No.152/Cr/T-VII/CCS,DD/HYD/2024 dated 20-12-2024 in Crime No.102 of 2024 issued by the respondent No.4 to the petitioner for violation of the fundamental rights of the petitioner.
- c. Subsequently direct the respondent Nos.3 to 5 not to interfere with Civil Disputes between the petitioner and the alleged victims under the guise of investigation.
- d. Further direct the respondent Nos.3 to 5 not to interfere with the life and liberty of the petitioner without following due process of law.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to stay the Notice U/s.41-A vide Notice No.152/Cr/T-VII/CCS,DD/HYD/2024 dated 20.12.2024 in Crime No.152 of 2024 issued by the respondent No.4 to the petitioner, pending disposal of WP.No.36363 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 M/s. Y. SOMA SRINATH REDDY Advocate for the Petitioner and Assistant GP FOR HOME for the Respondents, the Court made the following.

ORDER:

Learned counsel for the petitioner submitted that notice under Section 41-A of the Criminal Procedure Code, 1973, was issued on 12.06.2024 directing the petitioner to appear on 15.06.2024. The petitioner complied with notice and cooperated with the investigation. However, now second notice under Section 41-A Cr.P.C. dated 20.12.2024 is issued to the petitioner. He submitted that in the guise of investigation, the second notice under Section 41-A Cr.P.C. has been issued, which is a deliberate attempt to arrest.

Learned Assistant Government Pleader for Home seeks time to get instructions.

It needs to be examined whether the second notice under Section 41-A Cr.P.C. can be issued by the police.

As it is contended by the learned counsel for the petitioner that earlier Section 41-A Cr.P.C. was issued to the petitioner and he cooperated with the investigation, there shall be interim stay of Notice No.152/Cr/T-VII/CCS, DD/HYD/2024 dated 20.12.2024 in Cr.No.102 of 2024 until further orders. The petitioner is directed to cooperate with the investigation.

List on 21.01.2025.

//TRUE COPY//

SD/-V.KAVITHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Telangana, Secretariat Building, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad City Police, Basheerbagh Hyderabad.
3. The Deputy Commissioner of Police, Detective Department, CCS, DD, Hyderabad.
4. The Inspector of Police, EOW, Team VII, CCS, Hyderabad.
5. The Station House Officer, EOW, CCS (DD), Hyderabad (RR 1 to 5 by RPAD).
6. One CC to M/s. Y. SOMA SRINATH REDDY, Advocate [OPUC].
7. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT].
8. One spare copy
ZEE

HIGH COURT

BVRJ

DATED:24/12/2024

LIST ON 21.01.2025

ORDER

WP.No.36363 of 2024

INTERIM STAY

