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

TUESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SMT JUSTICE TANGIRALA MADHAVI DEVI**

**WRIT PETITION NO: 34483 OF 2026**

**Between:**

1. Sameena Sultana, W/o Mohammed Ahmed, aged about 56 years, Occ, Household, R/o H.No.22-8-243, 2nd Floor, Yousuf Bazar, Nayapool, Charminar, Hyderabad, Telangana - 500002.
2. Mohammed Ahmed @ Mubeen, S/o Mohammed aged about 59 years, Occ, Business, R/o H.No.22-8-243, 2nd Floor, Yousuf Bazar, Nayapool, Charminar, Hyderabad, Telangana - 500002.
3. Mohd Abdullah (shown as Abdullah in the FIR), S/o Mohd Ahmed, aged about 27 years, Occ, Business, R/o H.No.22-8-243, 2nd Floor, Yousuf Bazar, Nayapool, Charminar, Hyderabad, Telangana - 500002.
4. Mohammed Ali (shown as Ali in the FIR), S/o Mohammed Ahmed, aged about 24 years, Occ, Student, R/o H.No.22-8-243, 2nd Floor, Yousuf Bazar, Nayapool, Charminar, Hyderabad, Telangana - 500002.

**...PETITIONERS**

**AND**

1. The State of Telangana, Represented by the Secretary, Home Department, Government of Telangana, Telangana Secretariat, Hyderabad, Telangana
2. The Inspector of Police, Golkonda Police Station, Hyderabad, Telangana.
3. The Investigating Officer, in Crime No.352 of 2026, Golconda Police Station, 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 an appropriate writ, order or direction, more particularly a writ of Mandamus, declaring that any attempt by respondent Nos.2 and 3 to arrest or detain the petitioners in Crime No.352 of 2026 of Golconda Police Station, Hyderabad, without

compliance with Section 35(1)(b) and Sections 35(3) to 35(6) of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the binding directions in Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273, and Satender Kumar Antil v. Central Bureau of Investigation, 2026 INSC 115, would be arbitrary, illegal and violative of Articles 14,Land 21 of the Constitution of India, and consequently direct respondent Nos.2 and 3 to follow the aforesaid statutory provisions and judgments, to issue and duly serve notices of appearance under Section 35(3) BNSS in accordance with law, and, upon the petitioners complying and continuing to comply with such notices, to refrain from arresting them.

**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 Respondents No 2 to not to arrest the Petitioner, pending disposal of the above writ petition.

**Counsel for the Petitioner: SRI MUSTAFA BASITH**

**Counsel for the Respondents: SRI B.SRIDHAR, AGP FOR HOME**

**The Court made the following: ORDER**

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

**THE HON'BLE SMT.JUSTICE TANGIRALA MADHAVI DEVI**

**WRIT PETITION No.34483 of 2026**
**(CNR No. HBHC010708662026)**

**DATE: 13.10.2026**

**Between:**

Sameena Sultana and others ... Petitioners

**AND**

The State of Telangana and others ... Respondents

**:: ORDER ::**

This Writ Petition is filed seeking the following relief:

*"...to issue an appropriate writ, order or direction, more particularly a writ of Mandamus, declaring that any attempt by respondent Nos.2 and 3 to arrest or detain the petitioners in Crime No.352 of 2026 of Golconda Police Station, Hyderabad, without compliance with Section 35(1)(b) and Sections 35(3) to 35(6) of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the binding directions in Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273, and Satender Kumar Antil v. Central Bureau of Investigation, 2026 INSC 115, would be arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India, and consequently direct respondent Nos.2 and 3 to follow the aforesaid statutory provisions and judgments, to issue and duly serve notices of appearance under Section 35(3) BNSS in accordance with law, and, upon the petitioners complying and continuing to comply with such notices, to refrain from arresting them; and pass..."*

2. Heard Sri Mustafa Basith, learned counsel for the petitioners and Sri B.Sridhar, learned Assistant Government Pleader for Home, appearing for the respondents.

3. Learned counsel for the petitioners submitted that Crime No.352 of 2026 dated 19.09.2026 has been registered against the petitioners on the file of Golconda Police Station, Hyderabad for the offences punishable under Sections 318(4), 351(2), 308(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023. It is further submitted that the offence alleged against the petitioners is punishable with imprisonment less than seven (07) years and therefore, the respondent-police may be directed to issue notice under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita, 2023, (for short, "BNSS") and follow the guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar***[1].

4. Having regard to the fact that the offences alleged against the petitioners are punishable with imprisonment upto seven (07) years, the respondent police are directed to issue notice under Section 35(3) of the BNSS, 2023 to the petitioners and shall also scrupulously follow the

[1] (2014) 8 SCC 273

guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar (cited supra)***, and proceed strictly in accordance with law. The petitioners shall cooperate with the investigation in accordance with law. The respondent police shall not summon the petitioners to the police station except for justifiable cause. However, if the provisions of sections mentioned in the F.I.R. are altered and as a consequence, Section 35(3) of the BNSS, 2023 is not applicable, the respondent police are at liberty to take further action in accordance with law.

5. With the above observations and directions, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous applications, if any, pending shall stand closed.

**SD/-/ A.H.S.GOWRI SHANKAR**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Secretary, Home Department, Government of Telangana, Telangana Secretariat, Hyderabad, Telangana
2. The Inspector of Police, Golkonda Police Station, Hyderabad, Telangana.
3. The Investigating Officer, in Crime No.352 of 2026, Golconda Police Station, Hyderabad
4. One CC to SRI MUSTAFA BASITH, Advocate [OPUC]
5. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

PMK
PB

HIGH COURT

CC TODAY

DATED: 13/10/2026

ORDER

WP.No.34483 of 2026




DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

(9)
T.P
15/10/26