

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

**MONDAY, THE TWENTY SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 7479 OF 2023

Between:

Sri. Budige Prashanth Kumar, S/o. Budige Venkanna, Aged. 28 Years, Occ ;
Student, R/o.H.No.1- 12/1, Thipparthy Road, Nakrekal Mandal, Nakrekal, Telangana
- 508 211.

...PETITIONER

AND

1. The State of Telangana, Rep. , by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Director General of Police, State of Telangana, Lakdikapool, Hyderabad.
3. The Commissioner of Police, Rachakonda Commissionerate.
4. The Station House Officer, Kushaiguda Police Station, Rachakonda Commissionerate.

...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 actions of the Respondent No.4 Police in interfering with Petitioners personal life and liberty by calling Petitioner to Kushaiguda Police Station in connection with Crime No. 143 of 2023 dated. 03- 02- 2023 registered U/s. 420 IPC, 66C ITA Act, 2008 without following due process of law as arbitrary, illegal, colorable exercise of power and violative of Articles 14 and 21 of the Constitution of India besides being contrary to the procedure contemplated under section 41A of Cr. P. C and consequently direct the Respondent No. 4 police not to interfere with Petitioners personal life and liberty by calling him to Police Station in connection with Crime No. 143 of 2023 dated. 03- 02- 2023 registered U/s. 420 IPC, 66C ITA Act, 2008 without following due process of law.

I.A.NO:1 OF 2023

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 4 police to not to call Petitioner to Police Station pending disposal of the above writ petition.

Counsel for the Petitioner : SRI.GUMMALLA BHASKER REDDY

Counsel for the Respondents : AGP FOR HOME

The Court made the following ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.7479 of 2023

ORDER:

The writ petition is filed aggrieved by the action of the respondent No.4 in interfering with the personal life and liberty of the petitioner in connection with Cr.No.143 of 2023 registered for the offences under Sections 420 of the Indian Penal Code, 1860 and Section 66(c) of the Information Technology Act, 2008.

2. Learned Assistant Government Pleader for Home, on the basis of the written instructions, submitted that petitioner is an accused in Cr.No.143 of 2023. As part of the investigation, the petitioner was called to the police station for the purpose of enquiry. The petitioner did not appear before the police. Instead of cooperating with the investigation, the petitioner filed this writ petition making false allegations.

3. As it is stated by the learned counsel for the petitioner that the offences in Cr.No.143 of 2023 are punishable with less than seven years of imprisonment, the respondent No.4 is directed to follow the procedure contemplated under Section 41-A of the Criminal Procedure Code, 1973 and follow the guidelines framed by the Supreme Court in **ARNESH KUMAR v. STATE OF BIHAR**¹.

¹ (2014) 8 SCC 273

The writ petition is accordingly disposed of.
 The miscellaneous petitions pending, if any, shall stand closed.
 There shall be no order as to costs.

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Home Department, Secretariat Buildings, State of Telangana at Hyderabad.
2. The Director General of Police, State of Telangana, Lakdikapool, Hyderabad.
3. The Commissioner of Police, Rachakonda Commissionerate.
4. The Station House Officer, Kushaiguda Police Station, Rachakonda Commissionerate.
5. Two CCs to G.P. FOR HOME, High Court for the State of Telangana at Hyderabad. [CJT]
6. One CC to SR. GUMMALLA BHASKER REDDY, Advocate [OPUC]
7. Two CD Copies

SA



HIGH COURT

DATED: 27/03/2023



ORDER

WP.No.7479 of 2023

**DISPOSING OF THE W.P
WITHOUT COSTS.**

(10)
MA
11/04/23