

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT APPEAL NO: 1290 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 12/07/2024 in W.P.No. 18410 of 2024. on the file of the High Court.

Between:

Ajmeera Pachya, S/o Badya, Aged about 52 years, Occ. Agriculture, R/o H.No.2-89, Betta Thanda, Damacherla Mandal, Nalgonda District.

...APPELLANT/PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Secretariat Building, Hyderabad.
2. The Director General of Police, DGP Compound, Saifabad, Hyderabad-500 004.
3. The Superintendent of Police, Nalgonda.
4. The Deputy Superintendent of Police, Miryalaguda, Nalgonda District.
5. The Station House Officer, PS Miryalaguda-I Town, Nalgonda.
6. Sreenu Naik Bukhya, S/o Sri Rupla, Aged 42 years, Occ. Assistant Professor, C/o Director, National Institute of Technology, Calicut, Department of Computer Science and , Engineering, NIT Campus (PO), Kozhikode, Kerala-673 601.
7. Bukhya Sujatha, W/o Sri Sreenu Naik Bukhya, Aged 35 years, Occ. Housewife, C/o Sri Sreenu Naik Bukhya, National Institute of Technology, Calicut, Department of Computer Science and Engineering, NIT Campus (PO), Kozhikode, Kerala-673 601.

...RESPONDENTS

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 suspend the operation of the Order dated 12.07.2024 passed in W.P.No.18410 of 2024, by direct the 3rd respondents-police to follow the procedure as contemplated under section 154(3) of Criminal Procedure Code and to take

necessary action against the respondent No.6 and 7 pending disposal of the writ appeal.

**Counsel for the Appellant: SRI RAPOLU ABHINAV FOR SRI RAPOLU
BHASKAR**

**Counsel for the Respondent Nos.1 TO 5: SRI MAHESH RAJE, GP FOR HOME
Counsel for the Respondent Nos.6 & 7: --**

The Court made the following: JUDGMENT

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

WRIT APPEAL NO. 1290 OF 2024

JUDGMENT: *(Per the Hon'ble Sri Justice J.Sreenivas Rao)*

This intra court appeal is filed by the appellant aggrieved by the order dated 12.07.2024 in W.P.No.18410 of 2024, whereunder the learned Single Judge while disposing of the said writ petition granted liberty to the appellant to avail alternative remedies on the ground that the complaint lodged by the appellant was closed by respondent No.5 stating that the dispute is civil in nature.

2. Heard Sri Rapolu Abhinav, learned counsel, representing Sri Rapolu Bhaskar, learned counsel for the appellant, and Sri Mahesh Raje, learned Government Pleader for Home appearing on behalf of respondent Nos.1 to 5.

3. **Brief facts of the case:**

3.1 The grievance of the appellant is that he entered into an agreement of sale with respondent No.6 to purchase the house bearing No.19/487/2 in plot No.99 to an extent of 121 square yards covered by Sy.No.729 situated at Miryalguda Municipal limits, Nalgonda District and he paid the entire amount of Rs.28 lakhs on 21.08.2023 to respondent Nos.6 and 7. In spite of the same, respondent Nos.6 and 7 failed to execute the registered sale deed in

his favour. On 25.05.2024, respondent Nos.6 and 7 trespassed into his house and abused him in filthy language. Immediately, the appellant lodged a complaint before respondent No.5 on 25.05.2024, however, respondent No.5 had not taken any action. At that stage, the appellant filed W.P.No.18410 of 2024. During the course of hearing basing on the instructions furnished by the learned Government Pleader that respondent No.5 closed the complaint on the ground that the subject transaction is in civil nature learned Single Judge disposed of the writ petition on 12.07.2024 granting liberty to the appellant to avail alternative remedies, if he so chooses.

4. **Contentions of learned counsel for the appellant:**

4.1 Learned counsel for the appellant submitted that the appellant lodged a complaint against respondent Nos.6 and 7 on 25.05.2024 with specific allegations. Respondent No.5 without registering the First Information Report (F.I.R.) and without conducting any enquiry mechanically closed the case stating that the dispute is civil in nature even without following the procedure as contemplated under Sec.154(3) of the Code of Criminal Procedure, 1973 and the same is contrary to law. In such circumstances, learned Single Judge ought to have directed the respondent authorities to register the F.I.R. and conduct the investigation against respondent Nos.6 and 7.

5. **Contentions of learned Government Pleader for Home:**

5.1 Learned Government Pleader submits that respondent No.5 after following the due procedure closed the complaint of the appellant as the dispute is civil in nature and the learned Single Judge has rightly disposed of the writ petition.

Analysis:

6. This Court considered the rival submissions made by the respective parties and perused the material available on record. It is an undisputed fact that the appellant lodged a complaint before respondent No.5 on 25.05.2024 against respondent Nos.6 and 7. The said complaint clearly reveals that the appellant had entered into an agreement of sale with respondent No.6, who is owner of the property, on 21.08.2023 for purchase of 121 square yards of land bearing plot No.99, house No.19/487/2 situated in Sy.No.729 at Miryalguda Municipal limits for an amount of Rs.28 lakhs. According to the appellant, he paid the entire sale consideration to respondent Nos.6 and 7. However, respondent Nos.6 and 7 failed to execute the registered sale deed in his favour, on the other hand, they abused him in filthy language. The allegations made in the complaint with regard to execution of the sale deed in respect of the property as mentioned supra and the said subject transaction are purely civil in nature. Similarly, the appellant is also having remedy

to approach the competent Criminal Court by filing a private complaint. The learned Single Judge while disposing of the writ petition had rightly held that the appellant can avail alternative remedies as available under law. Hence, this Court does not find any merit in the present appeal and the same is liable to be dismissed.

7. Accordingly, the writ appeal is dismissed. No order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

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**SD/-B.SATYAVATHI
DEPUTY REGISTRAR**

SECTION OFFICER

To

1. One CC to SRI RAPOLU BHASKAR, Advocate [OPUC]
2. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
3. Two CD Copies

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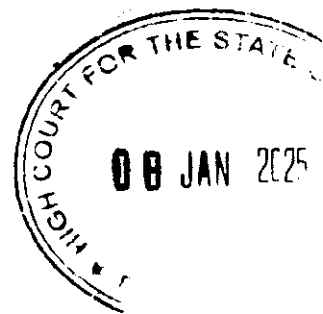
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HIGH COURT

DATED:02/12/2024

JUDGMENT

WA.No.1290 of 2024



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS.**

6 copies
[Signature]
12/12/24.