IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL

THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 114 OF 2025

Writ Appeal under clause 15 of the Letters Patent against the Order dated 23/12/2024 in W. P. No. 27505 of 2024 on the file of the High Court.

Between:

Bollineni Krishnaveni, W/o Bollineni Krishnaiah, D/o B Vasanthudu, Aged about 40 years, Occ- House Wife, R/o Villa No 35-A, Lalitha Bloom Field, Khajaguda, Hyderabad

...APPELLANT

AND

1. Bollineni Krishnaiah, S/o Ramanaiah Naidu, Aged about 80 years, Occ- Business, R/o H No 8-2-546/2, Road No 7, Banjara Hills, Hyderabad
2. Dr. Venkayalapati Hema Malini, W/o Dr. Venkayalapati, Venkateshwara Prasad Aged about 50 years, Occ- Radiologist, R/o Plot No 179, Road No 15, Jubilee Hills, Hyderabad
3. Dr. Venkayalapati, Venkateshwara Prasad, S/o V Krishnaiah Naidu, Aged about 50 years, Occ- Pediatrician, R/o Plot No 179, Road No 15, Jubilee Hills, Hyderabad
4. The State of Telangana, Rep by the Principal Secretary Home Dept Dr.B.R.Ambedkar TS Secretariat Hyderabad.
5. The Commissioner of Police, Cyberabad City Gachibowli, Cyberabad
6. The Commissioner of Police, Hyderabad City, Command Control, Banjara Hills, Hyderabad
7. The Station House Officer, (The Assistant Commissioner of Police) WCO Team X, Central Crime Station', CCS, DD Hyderabad
8. The Station House Officer, Raidurgam P.S Cyberabad Commissonerate, Cyberabad

...RESPONDENTS

IA NO: 2 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 grant interim suspension of orders in appeal dated 23/12/2024 passed in WP No 27505/2024 on the file of this Honorable Court, pending the disposal of the writ appeal.

Counsel for the Appellant : SRI IMMANENI RAMA RAO

Counsel for the Respondents No.1to3 : SRI V.PATTABHI, SR.COUNSEL for SRI L.VENKATESHWAR RAO

Counsel for the Respondents No.4to8 : SRI MAHESH RAJE, GP FOR HOME

The Court made the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

AND

THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.114 of 2025

JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*

Sri Immaneni Rama Rao, learned counsel for the appellant; Sri V.Pattabhi, learned Senior Counsel appearing for Sri L.Venkateshwar Rao, learned counsel for respondent Nos.1 to 3; and Sri Mahesh Raje, learned Government Pleader for Home, for respondent Nos.4 to 8.

2. In this writ appeal, the challenge is mounted to the order passed by the learned Single Judge in W.P.No.27505 of 2024, dated 23.12.2024, whereby respondent Nos.1 to 3 (writ petitioners) sought a prayer to call for the records relating to the transfer of the file and investigation in Crime No.17 of 2024 on the file of the Station House Officer, Raidurgam Police Station, Cyberabad, to the Commissioner of Police, Hyderabad, Hyderabad Commissionerate, and to declare the said transfer of investigation as illegal.

3. Heard on the question of maintainability.

4. The Supreme Court in **Ram Kishan Fauji v. State of Haryana**[1], opined that the writ appeal/letters patent appeal is not maintainable against the order of the writ court when it examined a criminal matter. The similar view was followed by the High Court for the State of Telangana in **State of Telangana v. Tushar Vellapally**[2] and the Gauhati High Court in **Deba Prasad Dutta v. State of Assam**[3].

5. In this view of the matter, the writ appeal is not maintainable and is disposed of by reserving the liberty to the appellant to file appropriate proceedings. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-B. SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Dept, Dr.B.R.Ambedkar, State of Telangana, (Telangana State Secretariat) Hyderabad.
2. The Commissioner of Police, Cyberabad City Gachibowli,Cyberabad
3. The Commissioner of Police, Hyderabad City, Command Control, Banjara Hills, Hyderabad
4. The Station House Officer, (The Assistant Commissioner of Police) WCO Team X, Central Crime Station', CCS, DD Hyderabad
5. The Station House Officer, Raidurgam P.S Cyberabad Commissonerate, Cyberabad
6. One CC to SRI IMMANENI RAMA RAO, Advocate. [OPUC]
7. One CC to SRI L VENKATESHWAR RAO, Advocate. [OPUC]
8. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies

HIGH COURT

DATED:27/02/2025

JUDGMENT

WA.No.114 of 2025



DISPOSING OF THE WRIT APPEAL WITHOUT COSTS

PA

(12) 15/8/25