IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 288 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 04/02/2025 in W.P No. 24054 of 2024 on the file of the High Court.

Between:

Dara Sreesailam, S/o late Dara Rajaiah, Aged about 56 years, Caste. S.C.Mala, Occ: Practicing Advocate, R/o H.No.2-6-601, Teachers Colony, Waddepally, Hanumakonda, Telangana-506370.

...APPELLANT/
PETITIONER/PARTY-IN-PERSON/ADVOCATE

AND

1. The Director, Central Bureau of Investigation, Plot No 5-B, CGO Complex, Lodhi Road, New Delhi-110003.
2. The State of Telangana, Rep by its Chief Secretary, Dr.B.R. Ambedkar Telangana Secretariat, Khairatabad, Hyderabad - 500022.
3. The State of Telangana, Rep. by its Principal Secretary Home Department, Dr. B.R. Ambedkar Telangana Secretariat, Hyderabad, Telangana-500022.
4. The Station House Officer, Subedari Police Station, Subedari, Hanamkonda District, Telangana 506001.
5. Dara Kapila, D/o Dara Sreesailam, Aged about 32 years, Occ. Doctor at Ramagundam Medical College, C/o Mekamalla Raju, R/o Musthyalapally, Mandal. Nadikuda, District. Hanumakonda, Telangana-506391.
6. Mekamalla Raju, S/o M.Mogili, Aged about 37 years, S.C.Mala, Religion. Hindu, Occ. S.I.in C.I.S.F. at Delhi, R/o Musthyalapally,Mandal. Nadikuda, District. Hanumakonda, Telangana-506391.
7. MekamallaMogili, S/o late MekamallaRajamallu, Aged about 65 years, Caste. S.C.Mala, Occ. Agriculture, R/o Musthyalapally, Mandal. Nadikuda, District. Hanumakonda, Telangana-506391.
8. Mekamalla Hemanth, S/o M.Mogili, Aged about 34 years, Caste. S.C.Mala, Religion. Hindu, Occ. Agriculture, R/o Musthyalapally, Mandal. Nadikuda, District. Hanumakonda, Telangana-506391.

9. Mekamalla Shravanthi, W/o Mekamalla Hemanth, Aged about 31 years, Caste .S.C.Mala, Religion. Hindu, Occ. Agriculture, R/o Musthyalapally, Mandal. Nadikuda, District. Hanumakonda, Telangana-506391.

10. Nelikanti Priayanka, W/o Nelikanti Arun, D/o MekamallaMogili, Aged about 31 years, Caste. S.C.Mala, R/o H.No. 25-11-221/A, Interial Colony, Kazipeta, Mandal. Kazipeta, District. Hanumakonda, Telangana-506001

11. Nelikanti Arun, S/o N.Kanakasena, Aged about 35 years, Caste. S.C.Mala, Religion. Hindu, Occ. Railway Employee. R/o H.No.25-11-221/A, Interial Colony, Kazipeta, Mandal. Kazipeta, District. Hanumakonda, Telangana-506001

12. Peesari Mahesh, S/o PeesariMeghanath, Aged about 34 years, Occ. Private employee, Caste. S.C.Mala, Religion. Hindu, R/o H.No.4-6-18, Kumarpally,Mandal. Hanumakonda, District. Hanumakonda, Telangana-506001.

13. Peesari Meghanath, S/o Not known to the petitioner. Aged about 70 years, Occ. Retd. Employee, Caste. S.C.Mala, Religion. Hindu, R/o H.No.4-6-18, Kumarpally, Mandal. Hanumakonda, District. Hanumakonda, Telangana-506001.

14. Nimmakuri Rajesh Babu, S/o N.Shyambabu, Aged about 33 years, Occ. Constable in C.I.S.F. Fire, R/o H.No.7-69-4, Veleru, Mandal. Nimmakuru, District. Krishna, Andhrapradesh-521158.

15. Jaripally Durgaprasad, S/o late Venkateshwara Rao, Aged about 32 years, Caste. S.C.Madiga, Occ. Business, R/o H.No.1-7-23/B, South Kamalanagar, ECIL Post, Mandal. Kapra, District. Malkajigir, Telangana-500062.

16. Meda Prasad, S/o Not known to the petitioner, Aged. Major, Occ. S.I., Manuguru Police Station, District. Bhadradri-Kothagudem, Telangana-507117.

17. Ambar Kishor Jha, I.P.S., Commissioner of Police, Warangal Commissionerate, 5-7-66, National Highway 163, Kishanpura, Hanumakonda, Telangana, India-506001. Mobile No.8712685257. Gamil cp-warangal@tspolice.gov.in

18. K.Devendar Reddy, S/o Not known to the petitioner Aged. Major, Occ. Assistant Commissioner of Police, Hanumakonda Division, 2H32 + FWQ, Circuit House Rd, Gokulnagar, Hanamkonda, Telangana 506001.

19. P. Sathyanarayana Reddy, S/o Not known to the petitioner, Aged. Major, Occ. Circle Inspector of Police, Subedari Police Station,Subedari, Hanamkonda, Telangana 506001.

...RESPONDENTS/RESPONDENTS

IA NO: 1 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 suspend the operation of the order passed in W.P.No.24054 of 2024, dated:04-02-2025, pending disposal of the main writ appeal.

Counsel for the Appellant: SRI DARA SREESAILAM, PARTY IN PERSON

Counsel for the Respondent No.1: SRI SRINIVAS KAPATIA (SPL PP FOR CBI)

Counsel for the Respondent No.2: GP FOR GENERAL ADMINISTRATION

Counsel for the Respondent No.3 & 4: SRI MAHESH RAJE, GP FOR HOME

Counsel for the Respondent No.5 to 7: SRI P. ANIMI REDDY

The Court delivered the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.288 of 2025

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

Sri Dara Sreesailam, petitioner/party-in-person; Sri Srinivas Kapatia, learned Special Public Prosecutor for CBI, for respondent No.1; learned Government Pleader for General Administration Department, for respondent No.2; Sri Mahesh Raje, learned Government Pleader for Home Department, for respondent Nos.3 & 4 and Sri. P. Animi Reddy, learned counsel for respondent Nos.5 to 7.

2. This Writ Appeal is arising out of order dated 04.02.2025 passed by a learned Single Judge in W.P.No.24054 of 2024.

3. The prayer in W.P.No.24054 of 2024 reads as under:

> "For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may be pleased to issue, writ, order or direction especially one in the Nature of Writ of Mandamus to declare the marriage of the respondents No.5 and 6 solemnized on 09/04/2024 at Sri Goda Ranganayaka Temple Godavarikhani is illegal, arbitrary, against the constitutional aspects, further direct the respondents No.5 and 6 live separately, further declare the acts of the respondents No.17 to 19 in failure to register the criminal case against the respondents No.6 to 16 U/s Sec.23, 24, 25, 34, 107, 109, 119, 120B, 124A, 187, 201, 202, 212, 213, 217, 218, 219, 220, 302, 366, 383 to 389, 403, 406, 407, 420, 493 and 496, 499, 500 of The Indian Penal Code and the relevant provisions of the

Hindu Marriage Act, 1955 including Sec 18 (a) of Hindu Marriage Act U/s 472 of Cr.P.C and any other relevant provisions found by the Honble High Court against the respondents No.6 to 16 are illegal, arbitrary and against the concepts of the Constitution of India, further declare the joint speaking dismissal order in complaints by the Honble III-Additional Judicial First Class Magistrate, at Hanumakonda in CrI.M.P SR .No 2794 of 2024, in CrI.M.P.SR.No.2795 of 2024, in Crl.M.P.No.451/2024, in Crl.M.P.No 452 of 2024, in Crl.M.P.No.453 of 2024 dated 07-08-2024 is also illegal, arbitrary, against the constitutional aspects, further direct the respondent No.1 to investigate into the offences committed the by the respondents No.6 to 19 by setting aside the joint speaking order of the magistrate in CrI.M.P.SR.No.2794 of 2024 in CrI.M.P.SR.No.2795 of 2024, in Crl.M.P.No.451/2024, in Crl.M.P.No.452 of 2024 in Crl.M. P.No.453 of 2024 dated 07-08-2024, further direct the respondents No.2 and 3 to take necessary action as per the law against the respondents No.17 to 19 for playing a wilful negligence, corrupted practice, discrimination while discharging the duties, further direct the respondents No.6 to 16 clear the bank loans of the respondent No.5 immediately to lead her beautiful life in future and pass such other order, or other orders as this Hon'ble Court deems fit and proper in the interest of justice."

4. A plain reading of the aforesaid prayer shows that the prayer was for exercising jurisdiction under the criminal law and adjudication was also in relation to the said prayer.

5. 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**

[1] (2017) 5 SCC 533

v. Tushar Vellapally[2] and the Gauhati High Court in **Deba Prasad Dutta v. State of Assam**[3].

6. 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.

Interlocutory applications, if any pending, shall also stand closed.

SD/-T.KRISHNA KUMAR
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Director, Central Bureau of Investigation, Plot No 5-B, CGO Complex, Lodhi Road, New Delhi-110003.
2. The Chief Secretary, The State of Telangana, Dr.B.R. Ambedkar Telangana Secretariat, Khairatabad, Hyderabad - 500022.
3. The Principal Secretary Home Department, The State of Telangana, Dr. B.R. Ambedkar Telangana Secretariat, Hyderabad, Telangana-500022.
4. The Station House Officer, Subedari Police Station, Subedari, Hanamkonda District, Telangana 506001.
5. One CC to SRI DARA SREESAILAM, PARTY IN PERSON [OPUC]
6. One CC to SRI P. ANIMI REDDY, ADVOCATE [OPUC]
7. One CC to SRI SRINIVAS KAPATIA (SPL PP FOR CBI) [OPUC]
8. Two CCs to GP FOR GENERAL ADMINISTRATION, High Court for the State of Telangana. [OUT]
9. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
10. Two CD Copies

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[2] 2023 SCC OnLine TS 334
[3] 2023 SCC OnLine Gau 3615: AIR 2024 Gau 30

HIGH COURT

DATED:10/03/2025

JUDGMENT

WA.No.288 of 2025



DISPOSING OF THE WRIT APPEAL WITHOUT COSTS

PA

25/3/25