

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.461 OF 2026

Dated:25.08.2026

Between:

Kadannagari Babu,
S/o. Kadannagari Munappa

...Appellant

and

Shri Kadannagari Munu Swamy,
S/o. Kadannagari Munappa and 6 others

...Respondents

JUDGMENT:

Heard Mr. R.A. Achuthanand, learned counsel appearing for the appellant and Mr. Mahesh Raje, learned Government Pleader for Home, appearing for respondent Nos.3 to 7.

2. The appellant assails the impugned direction contained at paragraph No.5 of the judgment dated 11.02.2026 passed by the learned writ Court in W.P.No.4240 of 2026, which reads as under:

“Having regard to the submissions of the learned counsel on either side and upon consideration of the material available on record, this Court is of the considered opinion that since it has been stated that investigation has been conducted by the 4th respondent in C.C.No.1489 of 2026 arising out of FIR No.27 of 2026 dated 09-01-2026 registered for the offences punishable under Sections 329(3), 324(4), 351(2), 352 read with 3(5) BNSS, this Court deems it appropriate to

dispose of the Writ Petition by directing the 4th respondent not to resort to any illegal action against the petitioner without following due process of law.”

3. The Writ Petition was preferred by respondent Nos.1 and 2/writ petitioners for declaration of the action of respondent Nos.5 to 7 in registering F.I.R.No.27 of 2026 of Shamirpet Police Station, at the behest of the appellant (respondent No.6 in the Writ Petition) and illegally interfering in a purely civil dispute at his behest and thereby forcing the writ petitioners to compromise the civil litigation, as illegal, arbitrary, unconstitutional and violative of Articles 14 and 21 of the Constitution of India.

4. According to respondent Nos.1 and 2/writ petitioners, the dispute between them and the appellant is private and civil in nature, in respect of which O.S.No.113 of 2020 (new O.S.No.361 of 2022) is pending before the learned II Additional District Judge, Medchal. The appellant lodged a complaint against the writ petitioners alleging unlawful entry into his land, ploughing the same, causing damage thereto and causing criminal intimidation, including threat to life. The said complaint was registered as F.I.R.No.27 of 2026 of Shamirpet Police Station. After investigation, charge sheet has been filed in the said F.I.R and taken up as C.C.No.1489 of 2026. On that basis, respondent No.6 was interfering in the *inter se* private disputes between the writ petitioners and the

appellant by compelling the writ petitioners to enter into a compromise with the appellant.

5. The State contested the prayer stating that at any point of time, the writ petitioners have not been insisted upon by respondent Nos.3 to 7 nor there is any pressure upon the writ petitioners to settle the private disputes with the appellant, as alleged. It is further stated that the F.I.R. was registered on 09.01.2026 before Shamirpet Police Station under Sections 329(3), 324(4), 351(2) and 352 read with 3(5) BNS.

6. In this background, the learned writ Court did not quash the F.I.R. instead directed respondent No.6 not to resort to any illegal action against the writ petitioners without following due process of law, which has aggrieved the appellant to prefer the present appeal.

7. On the previous date, learned counsel for the appellant sought time to satisfy on the maintainability of the present appeal under Clause 15 of the Letters Patent jurisdiction of this Court.

8. Today, learned counsel for the appellant has placed reliance upon the decision of the Apex Court in **Ram Kishan Fauji v. State of Haryana and others**¹, particularly, paragraph Nos.28, 58, 59 and 60

¹ (2017) 5 Supreme Court Cases 533

thereof. It is also apposite to refer to paragraph No.56 of the said judgment.

9. Learned Government Pleader for Home has objected to the maintainability of the present appeal under Clause 15 of the Letters Patent stating that the nature of the right allegedly violated and the outcome of exercise of the jurisdiction would be in the domain of criminal jurisdiction, as, if the original prayer of the writ petitioners is allowed it would lead to quashing of the F.I.R. Therefore, both the nature of the proceedings and the resultant relief, if taken together in ultimate analysis would be under criminal jurisdiction, which is not permissible under Clause 15 of the Letters Patent. This is the ratio laid down by the Apex Court in **Ram Kishan Fauji (supra)**, relied upon by the learned counsel for the appellant also.

10. We have considered the submissions of the learned counsel for the parties. The principles on the maintainability of the appeal under Clause 15 of the Letters Patent in such cases are well settled by the Apex Court in **Ram Kishan Fauji (supra)**, relied upon by the rival parties. The opinion of the Apex Court in paragraph Nos.56 to 60 is extracted hereunder, as they lay down the position in law:

“56. As we find from the decisions of the aforesaid three High Courts, it is evident that there is no disagreement or conflict on the principle that if an appeal is barred under Clause 10 or Clause 15 of the Letters

Patent, as the case may be, no appeal will lie. The High Court of Andhra Pradesh, however, has held that when the power is exercised under Article 226 of the Constitution for quashing of a criminal proceeding, there is no exercise of criminal jurisdiction. It has distinguished the proceeding for quashing of the FIR under Section 482 CrPC and, in that context, has opined that from such an order, no appeal would lie. On the contrary, the High Courts of Gujarat and Delhi, on the basis of the law laid down by this Court in *Ishwarlal Bhagwandas* (CIT v. Ishwarlal Bhagwandas (AIR 1965 SC1818)), have laid emphasis on the seed of initiation of criminal proceeding, the consequence of a criminal proceeding and also the nature of relief sought before the Single Judge under Article 226 of the Constitution. The conception of “criminal jurisdiction” as used in Clause 10 of the Letters Patent is not to be construed in the narrow sense. It encompasses in its gamut the inception and the consequence. It is the field in respect of which the jurisdiction is exercised, is relevant. The contention that solely because a writ petition is filed to quash an investigation, it would have room for intra-court appeal and if a petition is filed under inherent jurisdiction under Section 482 CrPC, there would be no space for an intra-court appeal, would create an anomalous, unacceptable and inconceivable situation. The provision contained in the Letters Patent does not allow or permit such an interpretation. When we are required to consider a bar or non-permissibility, we have to appreciate the same in true letter and spirit. It confers jurisdiction as regards the subject of controversy or nature of proceeding and that subject is exercise of jurisdiction in criminal matters. It has nothing to do whether the order has been passed in exercise of extraordinary jurisdiction under Article 226 of the Constitution or inherent jurisdiction under Section 482 CrPC.

57. In this regard, an example can be cited. In the State of Uttar Pradesh, Section 438 CrPC has been deleted by the State amendment and the said deletion has been treated to be constitutionally valid by this Court in *Kartar Singh v. State of Punjab* ((1994) 3 SCC 569). However, that has not curtailed the extraordinary power of the High Court to entertain a plea of anticipatory bail as has been held in *Lal Kamlendra Pratap Singh v. State of U.P.* ((2009) 4 SCC 437) and *Hema Mishra v. State of U.P.* ((2014) 4 SCC 453). But that does not mean that an order passed by the Single Judge in exercise of Article 226 of the Constitution relating to criminal jurisdiction, can be made the subject-matter of intra-court appeal. It is not provided for and it would be legally inappropriate to think so.

58. In view of the aforesaid premised reasons, we hold that the High Courts of Gujarat and Delhi have correctly laid down the law and the view expressed by the Full Bench of the High Court of Andhra Pradesh is incorrect.

59. We will be failing in our duty if we do not take note of an authority cited by Mr. Visen. He has commended us to the Division Bench judgment of the High Court of Punjab and Haryana in

Adishwar Jain v. Union of India (2006 CriLJ 3193). In the said case, the question arose with regard to the maintainability of the letters patent appeal, for the Single Judge had dismissed the writ of habeas corpus. The Division Bench, dealing with the maintainability of LPA, referred to *Umaji Keshao Meshram v. Radhikabai* (1986 Supp SCC 401) and extracted the following passage: (*Adishwar case*, SCC OnLine P&H para 9)

“9. ... ‘101. ... By Article 226 the power of issuing prerogative writs possessed by the Chartered High Courts prior to the commencement of the Constitution has been made wider and more extensive and conferred upon every High Court. The nature of the exercise of the power under Article 226, however, remains the same as in the case of the power of issuing prerogative writs possessed by the Chartered High Courts. A series of decision of this Court has firmly established that a proceeding under Article 226 is an original proceeding and when it concerns civil rights, it is an original civil proceeding....’ (*Umaji Keshao Meshram Case*, SCC p. 469, para 101)”

60. On the aforesaid basis, the Division Bench in *Adishwar Jain case* ruled that in a proceeding under Article 226 consisting of civil rights, the proceedings are civil in nature falling within the ambit of Clause 10 of the Letters Patent. In the said case, the detention was under the COFEPOSA Act. The Court observed that the said detention is purely preventive without any trial in a criminal court and the challenge to such detention is for the enforcement of a fundamental civil right and, therefore, a writ under Article 226 for issue of habeas corpus in such like matters cannot be considered as a proceeding under criminal jurisdiction even though the writ petition is identified as a criminal writ petition under the High Court Rules and others. The said decision has to be carefully appreciated. The nomenclature of a writ petition is not the governing factor. What is relevant is what is eventually being sought to be enforced. The Division Bench observed that as there is a preventive detention, there is a violation of fundamental civil right. The said decision, as is noticeable, was rendered in a different context. We are only inclined to say that the said authority does not assist the proposition expounded by the learned counsel for the State.”

11. Learned counsel for the appellant has drawn the attention of this Court to the discussion made at paragraph Nos.59 and 60 in the decision of the Apex Court in **Ram Kishan Fauji (supra)** by referring to a Division Bench judgment of the High Court of Punjab and Haryana in

Adishwar Jain v. Union of India² relating to a habeas corpus proceedings on detention under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act. Such a detention being purely preventive in nature without any trial in a criminal Court was susceptible to interference under Article 226 of the Constitution of India and could not be considered as a proceeding under criminal jurisdiction even though the nomenclature of the petition was styled as such, as per the High Court Rules. In that context, the Apex Court observed that the nomenclature of the Writ Petition is not the governing factor. Preventive detention, if illegal and unwarranted, is in violation of fundamental civil right and therefore, the appeal under Clause 10 of the Letters Patent would lie. Whereas on the other hand, the ratio laid down at paragraph No.56 in **Ram Kishan Fauji (supra)** encompasses in its gamut the inception and the consequence flowing out of the proceedings and the field in respect of which the jurisdiction is exercised is relevant. The Apex Court held that the contention that solely because a Writ Petition is filed to quash an investigation, it would have room for intra-court appeal and if a petition is filed under inherent jurisdiction under Section 482 Cr.P.C., there would be no space for an intra-court appeal,

² 2006 CriLJ 3193

would create an anomalous, unacceptable and inconceivable situation, which the provision under the Letters Patent do not allow or permit.

12. In the facts of the present writ petition, the relief prayed for was quashing of the FIR, which obviously lies in the domain of the criminal jurisdiction. The writ petitioners though have failed to obtain such a relief but the learned writ Court disposed of the Writ Petition in a differently couched language. In our considered opinion the relief sought for herein by the appellant in the background of the facts and circumstances explained above would be beyond the jurisdiction conferred on this Court under Clause 15 of the Letters Patent. Therefore, the appeal is not maintainable.

13. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

APARESH KUMAR SINGH, CJ

G.M.MOHIUDDIN, J

Date: 25.08.2026
MD