

HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

THURSDAY, THE TWENTY SIXTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT APPEAL NO: 1486 OF 2012

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 28-02-2012 in WP.No. 25094 of 2012 on the file of the High Court.

**Between:**

G. Avanidhar Goud, S/o. late nana Goud, aged about 50 years, Occ Business, R/o. 1-1-16/10/B, Jawaharnagar, Hyderabad - 500 020.

...APPELLANT/RESPONDENT No.3/  
FLAT OWNER

AND

1. Smt. Anjali Jain, W/o. Santosh Jain, aged 32 years, Occ House Wife, C/o. 208, Happy Trade Centre, S.D.Road, Secunderabad
2. The Commissioner of Police, Basheerbagh, Hyderabad.
3. The Station House Officer, Chilakalaguda Police Station, Secunderabad, Hyderabad District.

...RESPONDENTS/RESPONDENTS

I.A. NO: 2 OF 2012(WAMP. NO: 3244 OF 2012)

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 order of the single judge dated 28-02-2012 passed in WP No. 25094/2011 pending disposal of Writ Appeal.

**Counsel for the Appellant: SRI PAPPU NAGESHWAR RAO, SENIOR COUNSEL**  
**Counsel for the Respondent Nos.2 & 3: GP FOR HOME (NOT PRESENT)**  
**Counsel for the Respondent No.1: --**

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.1486 of 2012**

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

This intra court appeal is filed aggrieved by the order dated 28.02.2012 passed by the learned Single Judge of the erstwhile High Court of Judicature, Andhra Pradesh at Hyderabad in Writ Petition No.25094 of 2011.

2. Heard Sri Pappu Nageshwar Rao, learned Senior Counsel for the appellant. No representation on behalf of respondent Nos.1 to 3.

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

3.1 Respondent No.1 filed Writ Petition No.25094 of 2011 stating that she was the tenant of Flat No.402, 4<sup>th</sup> floor, Saraswathi Residency, Padmarao Nagar, Secunderabad and appellant is owner of the said property, and she filed suit in O.S.No.193 of 2008 on the file of I Junior Civil Judge, City Civil Court, Secunderabad seeking perpetual injunction against the appellant and obtained decree. She further averred that the appellant issued a quit notice under Section 106 of the Transfer of Property Act and filed suit in O.S.No.295 of 2008 on the file of I Junior Civil Judge, City Civil Court,

Secunderabad and the same was dismissed on the ground that the termination notice was not in accordance with law.

3.2 It is further averred that on 11.03.2011 around 2-30 p.m. appellant along with his muscle-men and hit her as well as her family members and threw away the furniture and other articles belonging to her outside the apartment compound and took forcible possession of Flat No.402. Then she lodged a complaint on 12.03.2011 before respondent No.3 and the same was registered as F.I.R. No.184 of 2011 and respondent No.3 did not commence the investigation even after completion of five months. Then she filed representation to the respondent No.2, as no action was taken on her complaint. At that stage, she filed Writ Petition No.25094 of 2011 questioning the action of respondent No.1 therein in not taking any action on the representations dated 14.03.2011 and 18.03.2011 as well as in not conducting investigation in respect of F.I.R. No.184 of 2011 dated 12.03.2011 by the respondent No.3.

3.3 Learned Single Judge disposed of the above said writ petition on 28.02.2012 with a direction directing the Crime Branch, Crime Investigation Department (CB-CID) to conduct investigation afresh and file final report under Section 173 Cr.P.C. within a period of four months from that day and also directed the Registrar General of the High Court to initiate *suo motu* criminal contempt proceedings

against the appellant and others. Aggrieved by the same, the appellant filed the present writ appeal.

4. Learned counsel for the appellant contended that appellant has not filed any false counter affidavit and he pleaded that the respondent No.1 failed to pay the arrears of rent to an amount of Rs.97,800/- and she herself vacated the premises and he has not committed any offence as alleged by the respondent No.1. In spite of the same, learned Single Judge without giving any reasons initiated the criminal contempt proceedings against the appellant and the same is contrary to law.

5. Having considered the submissions made by the learned counsel for the appellant and after perusal of the material available on record, it appears that respondent No.3 filed counter affidavit on 18.10.2011 denying the averments made by the respondent No.1 and the learned Single Judge without giving any finding that the appellant filed a false affidavit and initiated the criminal contempt proceedings against the appellant. Hence, this Court is of the considered view that the impugned order passed by the learned Single Judge to the extent of holding that conduct of the appellant constitutes the criminal contempt proceedings for filing false affidavit, is liable to be set aside.

6. For the foregoing reasons, the impugned order passed by the learned Single Judge to the extent of initiation of the criminal contempt proceedings against the appellant is set aside and rest of the order is confirmed.

7. With the above modification, the writ appeal is disposed of accordingly. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

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

**//TRUE COPY//**

**SECTION OFFICER**

To

1. The Commissioner of Police, Basheerbagh, Hyderabad.
2. The Station House Officer, Chilakalaguda Police Station, Secunderabad, Hyderabad District.
3. One CC to SRI PAPPU NAGESHWAR RAO, SENIOR COUNSEL [OPUC]
4. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
5. Two CD Copies

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**HIGH COURT**

**DATED:26/09/2024**

**JUDGMENT**

**WA.No.1486 of 2012**



**DISPOSING OF THE WRIT APPEAL  
WITHOUT COSTS.**

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for  
25/10/24