

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION No.43257 OF 2022

ORDER: (per AKS,J)

Sri Kathi Ajay, the petitioner, has filed this Habeas Corpus petition on behalf of his cousin, Dubbasi Parsharamulu @ Prashanth @ Munna, S/o. Ravi, the detenu, challenging the detention order *vide* C.No.128/PDC/KNR/2022, dated 09.11.2022, passed by the respondent No.2-Commissioner of Police, Karimnagar, whereby, the detenu was detained under Section 3(2) of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders, Land-Grabbers, Spurious Seed Offenders, Insecticide Offenders, Fertilizer Offenders, Food Adulteration Offenders, Fake Document offenders, Scheduled Commodities Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms Offenders, Cyber Crime Offenders and White Collar or Financial Offenders Act, 1986 (as amended by Act No.13 of 2018) (for short, 'Act 1 of 1986'), and the consequential confirmation order *vide* G.O.Rt.No.2380, General Administration (Spl. (Law & Order)) Department, dated 20.12.2022, passed by the Secretary to

Government, General Administration (Spl. (Law & order))
Department, Government of Telangana.

2. Heard Ms. R. Sowmya Reddy, learned counsel for the petitioner and Sri S. Mujib Kumar, learned Special Government Pleader, representing the learned Additional Advocate General appearing for the respondents.

3. Learned counsel for the petitioner had contended that the detenu was detained *vide* the impugned detention order, dated 09.11.2022, by relying on two crimes registered against him *viz.*, Crime No.97 of 2022 of Karimnagar-III Town Police Station, registered for the offences under Sections 302, 307, 201 and 120B I.P.C. and Crime No.135 of 2022 of Bejjanki Police Station, registered for the offences under Sections 341 and 506 read with 34 I.P.C. The said crimes were registered in view of some disputes between the family members in relation to certain properties. Since the said crimes were registered against the family members, they cannot be brought under the ambit of public order. Therefore, the respondent No.2 ought not to have passed the impugned detention order by invoking the provisions under the Act 1 of 1986. Further, this Court, *vide* order, dated 11.07.2019, passed in W.P.No.7504 of

2019, has categorically held that when crimes were registered against individuals, that too private individuals, the detaining authority could not have invoked the Act 1 of 1986 and passed the detention order. Therefore, by following the aforesaid order, the impugned detention order is liable to be set aside, as admittedly, the two crimes relied on by the detaining authority were registered with regard to private disputes and no public interest at large is involved.

4. The learned Special Government Pleader appearing for the respondents did not dispute the submissions made by the learned counsel for the petitioner and contended that the detenu was involved in private disputes and therefore, the impugned detention order can be set aside.

5. This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that, admittedly, the detenu was involved in private disputes, that too among his family members, and the detaining authority ought not to have passed the impugned detention order, dated 09.11.2022, and detained the detenu. Therefore, by following the aforesaid order, dated 11.07.2019, passed by this Court in W.P.No.7504 of 2019, the

impugned detention order and the consequential confirmation order are liable to be set aside.

6. In the result, the Writ Petition is allowed. The impugned detention order vide C.No.128/PDC/KNR/2022, dated 09.11.2022, passed by the respondent No.2, and the consequential confirmation order vide G.O.Rt.No.2380, General Administration (Spl. (Law & Order)) Department, dated 20.12.2022, passed by the Secretary to Government, General Administration (Spl. (Law & Order)) Department, Government of Telangana, are hereby set aside. The respondents are directed to set the *detenu*, namely Dubbasi Parsharamulu @ Prashanth @ Munna, S/o. Ravi, at liberty forthwith, if he is no longer required in any other criminal case. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK, J

Date: 27-01-2023.
MD