IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 31606 OF 2024

Between:

Mohammad Ghouse, S/o Late Shaik Imam, Aged about 68 yrs Occ Advocate, R/o 8-3-222/1/8, Muhammd's Castle, Madhura Nagar, Colony, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Home, Secretariat, Hyderabad
2. The Commissioner of Police, Hyderabad City Road No.12, Banjara Hills Hyderabad.
3. The Deputy Commissioner of Police, West Zone, Hyderabad.
4. The Assistant Commissioner of Police, SR Nagar, Hyderabad.
5. The Station House Officer, Borabonda Police Station, Borabonda, Hyderabad.
6. The Sub Inspector of Police, Mr. Manoj, Borabonda Police Station, Borabonda, Hyderabad.
7. Mohammed Munawar, S/o Mohammed Jahangir Aged about 62 years, Occ. Business, R/o. H.No. 8-3-167/B/4/C, on plot No. 19 and 18, In Sy. No. 128/2 and 128/3, Jayanthi Nagar, Yousufguda, Hyderabad 500045. R7 is impleaded as per C.O.dt. 08.04.2025 in IA No. 1/2025.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the arbitrary and illegal acts of the respondents 3 to 6 in detaining the petitioner herein and snatching his phone and compelling him to go for compromise with land grabbers as arbitrary, illegal and in violation of Articles 14 and 21 of the Constitution of India and consequently

direct them to be present before themselves before this Hon'ble Court in the interest of justice.

IA NO: 1 OF 2024

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 summon the respondents 4 to 6 before this Hon'ble Court, pending disposal of the writ petition.

Counsel for the Petitioner: SRI MOHAMMAD GHOUSE, PARTY IN PERSON

Counsel for the Respondents No 1 To 6: SRI SRIDHAR BHUVANAGIRI
AGP FOR HOME

Counsel for the Respondent No 7 : SRI AFZULUDDIN

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.31606 OF 2024

Date:05.12.2025

Between

Mohammad Ghouse ...Petitioner

and

The State of Telangana rep.
by its Principal Secretary,
Department of Home,
Secretariat, Hyderabad
and 6 others .....Respondents

This Court passed the following

ORDER

Heard Sri Mohammad Ghouse, learned party in person, Sri Sridhar Bhuvanagiri, learned Assistant Govt. Pleader for Home and Sri Afzuluddin, learned counsel appearing for respondent No.7.

2. The petitioner filed the present writ petition to declare the arbitrary and illegal acts of respondent Nos.3 to 6 in detaining and compelling him to go for compromise with the land grabbers as illegal and issue consequential direction to respondent Nos.3 to 6 to appear before this Court.

3. The petitioner is a Practicing Advocate. He filed a suit vide O.S.No.4387 of 2004 for specific performance of agreement of sale and the same was decreed. The petitioner filed E.P.No.42 of 2011 before the learned VII Junior Civil Judge, City Civil Court, Hyderabad, seeking execution of the said judgment and decree in O.S.No.4387 of 2004. Learned Executing Court issued warrant for delivery of possession in favour of the petitioner.

4. It is further contended by the petitioner that Amin of the executing Court served copies of the said warrant on the respondent Nos.2 and 3 on 18.10.2024 at 2.55 hours. Thereafter, 5th respondent informed the Court Amin to send the petitioner to the police station before execution of the said warrant. The petitioner visited the office of 4th respondent on 20.10.2024 at 6.00 P.M. and respondent Nos.4 to 6 detained him for one hour forty minutes in the police station, snatched his mobile phone from the pouch and compelled him to go for compromise with the land grabbers who had lost all civil cases. Thus the said action of the respondent Nos.4 to 6 is illegal and in violation of Article 21 of the Constitution of India.

5. The petitioner further contends that if the CCTV footage of Borabanda Police Station on 20.10.2024 from 6.00 P.M. to 7.40 P.M.,

is called for, it will give complete picture. Thus, respondent Nos.4 to 6 acted highhandedly, detained the petitioner illegally and violated fundamental right guaranteed to him under Article 21 of the Constitution of India. Therefore, he is seeking to declare the said action of the respondent Nos.4 to 6 as illegal.

6. Whereas, respondent No.6 – the Sub Inspector of Police, Borabanda Police Station, filed counter, denying the allegations made by the petitioner in the writ affidavit, contending that on 20.10.2024, the petitioner came to the police station and met the Station House Officer. After a while, the Station House Officer, has sent the petitioner to him. Since he is the Investigating Officer in Cr.No.409 of 2023 registered against the petitioner for the offences under Sections 420, 468, 471, 504 and 506 of IPC on 22.12.2023, he has enquired with the petitioner with regard to the said crime and issued notice dated 20.10.2024 under Sections 91/160 of Cr.P.C. with a request to furnish the list of documents within three days for proceeding with investigation. The petitioner was with 6th respondent for about 15 to 20 minutes. After serving notice, he left the police station. Thereafter, he did not come to police station. After a couple of days, he sent a written reply through his son to the police station. He never met 6th respondent

till date. Investigation is pending in the said crime. Neither respondent No.6 nor respondent Nos.3 to 5 detained the petitioner nor snatched his mobile phone as alleged. The petitioner made false and baseless allegations against them. He has suppressed the fact of pendency of the aforesaid crime registered against him on the complaint lodged by 7th respondent. With the said submissions, he sought to dismiss the present writ petition.

7. Perusal of the record would reveal that on the complaint dated 22.12.2023, lodged by the 7th respondent, the Police Borabanda, registered a case in Cr.No.409 of 2023 against the petitioner and another for the offences punishable under Sections 420, 468, 471, 504 and 506 of IPC. Though the said crime was registered on 22.12.2023, according to the Investigating Officer, he has served notice under Section 91/160 of Cr.P.C. on 20.10.2024 on the petitioner with a request to appear before him with all relevant documents which are specifically mentioned in the said notice.

8. Learned party-in-person would contend that there is correction in the date of the said notice. He has produced a copy of the same. Perusal of the same would reveal that the date is mentioned as 20.10.2023 and it was corrected as 2024. In the light of the same, this

Court directed the Investigating Officer to produce original record in the said crime. He has produced original record in a sealed cover. Perusal of the same would reveal that the said crime was registered on 22.12.2023, the date on notice is mentioned as 20.10.2023 which is corrected as 2024. Thus, the said crime itself was registered on 22.12.2023 and the question of issuance of notice under section 91/160 of Cr.P.C. on 20.10.2023 does not arise. It is only typographical error. The petitioner cannot take advantage of the same. The Investigating Officer, has collected relevant documents during the course of investigation. He has recorded the statements of ten witnesses on different dates.

9. Vide his letter dated 29.12.2023, the Investigating Officer requested the District Registrar, Hyderabad to furnish certified copies of the documents related to a validation Vide No.1861/E1-Val/2004, dated 15.06.2004. Vide letter dated 01.02.2024, he has requested the Deputy Commissioner, Circle-6, Malakpet, Charminar Zone, GHMC, to depute concerned authority to identify the subject premises. Vide letter dated 01.02.2024, he has requested the District Registrar, Hyderabad to furnish information relating to Notary Advocate Mr. Laxman Rao Karchalker and notary license details. Vide letter dated

10.01.2024, the District Registrar, Hyderabad, furnished information as sought by the Investigating Officer. Vide letter dated 18.01.2024, the District Registrar informed the Investigating Officer that the sale registers of the stamp vendor upto 1999 have been destroyed in the office. Vide letter dated 01.04.2024, the District Registrar informed the Investigating Officer that as per the office record, the Notary Advocate i.e. Sri Laxman Rao Karchalkar, was appointed as Notary Advocate vide G.O.Ms.No.1022, dated 05.05.1999, Circle No.6 of Hyderabad Municipal area, it was renewed on 10.10.1998 etc. Vide letter dated 05.02.2024, the Deputy Commissioner, Circle – 6, GHMC informed the Investigating Officer about inspection of the site. Vide letter dated 12.03.2025, the District Registrar, requested the Investigating Officer to furnish information /documents of Validation File No.1001/E1-Val/2004, dated 08.04.2004. According to the Investigating Officer, there is delay in completion of investigation.

10. Perusal of the record would reveal that the notice under Sections 91/160 of Cr.P.C. dated 20.10.2024 was served on the petitioner on 20.10.2024 itself. He has submitted his reply on 21.10.2024.

11. He has filed the present writ petition on 02.11.2024, but he has suppressed the aforesaid notice dated 20.10.2024 served on him by the Investigating Officer in Cr.No.409 of 2023 and his reply dated 21.10.2024. Thus, there is suppression of facts by the petitioner herein.

12. As discussed supra, 6th respondent has filed counter on 22.04.2025 specifically contending that the petitioner came to the police station to meet the Station House Officer on 20.10.2024. The Station House Officer, referred the petitioner to 6th respondent and on enquiry and on service of notice, the petitioner left the police station. The petitioner was with 6th respondent on 20.10.2024 for 15 to 20 minutes. Neither 6th respondent nor respondent Nos.3 to 5 detained the petitioner and snatched away his phone as alleged by him. Even then, the petitioner did not file any reply to the said notice adverting to the same.

13. Perusal of the record would also reveal that the petitioner is A.1 in Cr.No.409 of 2023 of Borabanda Police Station registered for the aforesaid offences. He is also an accused in Cr.No.53 of 2024 of Charminar Police Station registered for the offences under Sections 406, 420, 466, 467, 468 and 471 and 506 of IPC. He is also an accused in Cr.No.592 of 2020 of Sanjeevareddy Nagar Police Station registered

for the offences under Sections 447, 419 and 420 of IPC. He is also facing disciplinary proceedings vide Complaint Case No.46 of 2024, in the Bar Council of the State of Telangana.

14. As discussed supra, the petitioner is a practicing Advocate. He filed the present writ petition seeking to declare the action of the respondent Nos.3 to 6 i.e. Deputy Commissioner of Police, West Zone, Hyderabad, Assistant Commissioner of Police, S.R.Nagar, Hyderabad, The Station House Officer, Boabonda Police Station, Hyderabad and Sub Inspector of Police, Borabanda Police Station, detaining and snatching his phone and compelling him to go for compromise with land grabbers as illegal. But he has suppressed about the pendency of Cr.No.409 of 2023 registered against him on the complaint lodged by 7th respondent for the aforesaid offences, service of notice under Section 91/160 of Cr.P.C. dated 20.10.2024 and reply dated 21.10.2024 submitted by him in the affidavit filed by him in support of this writ petition. The petitioner seeking the relief against the aforesaid respondents, cannot suppress the aforesaid material fact and he cannot approach this Court with unclean hands.

15. In view of the same, by applying maxim "*suppression veri or suggestion of falsi*", the writ petition is to be dismissed on the said ground alone. The said principle was also held by the Hon'ble Supreme Court in **Maharashtra State Road Transport Corporation v. Mahadeo Krishna Naik**[1].

16. As discussed supra, the petitioner did not file reply to the counter filed by the 6th respondent. *Prima facie,* there are serious allegations against the petitioner herein. The Investigation in Cr.No.409 of 2023 of Borabanda Police Station, is pending. The Investigating Officer recorded the statements of ten witnesses and collected the documents. It is for the Investigating Officer to conduct investigation in accordance with law. The petitioner cannot take advantage of date of notice corrected from 2023 to 2024 which is a human error. He is also accused in the aforesaid crimes and he is facing disciplinary action in the Bar Council.

17. In the light of the same, the petitioner is not entitled for any relief much less the relief sought in the present writ petition. Therefore, the present writ petition is liable to be dismissed and is **dismissed**.

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[1]. 2025 INSC 218

18. Consequently, pending miscellaneous petitions, if any, in this writ petition shall stand closed.

SD/-M. JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI MOHAMMAD GHOUSE, PARTY IN PERSON, [OPUC]
2. Two CCs to GP FOR HOME ,High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to SRI AFZULUDDIN, Advocate [OPUC]
4. Two CD Copies

DAN
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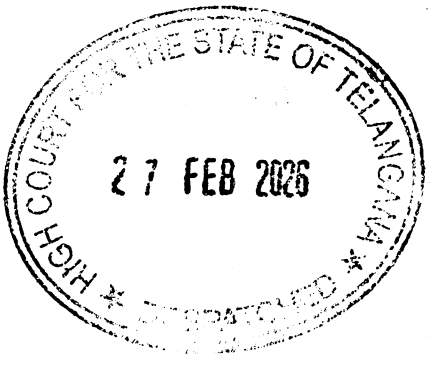
NOTE: Registry is directed to return the record to the concerned under proper acknowledgement.

HIGH COURT

DATED:05/12/2025

ORDER

WP.No.31606 of 2024



DISMISSING THE WRIT PETITION WITHOUT COSTS

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