IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 435 OF 2026

Writ Appeal under clause 15 of the Letters Patent against Order Dated 19/02/2026 in WP No 5153 of 2026 on the file of the High Court.

Between:

1. M/s The Lucifer Restaurant, Rep by its Proprietor Mr D Lekhraj Yadav having its office at 6th Floor Grand Vistara Towers H.No 631086/VGT/60, Rajbhavan road Somajiguda Hyderabad Telangana 500082
2. D Lekhraj Yadav, S/o D Jaiveer Yadav Age 36 years,Occ. Business R/o Flat No 204 Aditya Monarch Apartment Camelot Layout Ranga Reddy District, Telangana 500 084

...APPELLANTS

AND

1. The State of Telangana, Rep by its Principal Secretary Home Department, Telangana
2. The Commissioner of Police, Commissioner of Police, Office Command and Control Centre Telangana Police Road No 12 Bhavani Nagar Banjara Hills Hyderabad Telangana -500034
3. The Deputy Commissioner of Police, DCP Office, Khairatabad Zone Fateh Maidan Abids Hyderabad Telangana 500457.
4. The Assistant Commissioner of Police, ACP Office Panjagutta Division Panjagutta X Road Infront of Hyderabad Central Mall- 500082.
5. Sub Inspector of Police, Panjagutta, PS Greenlands Road Panjagutta, Hyderabad- 500082.

...RESPONDENTS

Counsel for the Appellant : SRI OMAR A PASHA
Counsel for the Respondents: SRI MAHESH RAJE, GP FOR HOME
The Court made the following: JUDGMENT

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.435 of 2026

Dated: 17.04.2026

Between:

M/s. The Lucifer Restaurant
and another.

...Appellants

and

The State of Telangana,
Rep. by its Principal Secretary,
Home Department, Telangana,
and 4 others.

...Respondents

JUDGMENT:

Learned counsel Sri Omar A.Pasha appears for the appellants.

Sri Mahesh Raje, learned Government Pleader for Home, appears for the respondents.

2. The present writ appeal arises out of the judgment dated 19.02.2026 passed by the learned writ court dismissing W.P.No.5153 of 2026 filed by the appellants.

3. The writ petition was preferred with the following prayer:

> "It is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction particularly one in the nature of a Writ of Mandamus stopping the Respondent No.5 from registering or repeatedly initiating proceedings against Petitioner No.2 and his employees under Sections 223 and 275 of the Bharatiya Nyaya Sanhita along with Sections of the COTPA Act since this action by the Respondent No.5 herein is illegal, arbitrary, ultra vires and contrary to a catena of judgments more specifically judgment dated 05.07.2021 in Criminal Petition No.152 of 2020 and batch and in Criminal Petition No.5619 of 2020 and batch dated 10.06.2022 and consequently direct the Respondents to act strictly in accordance with settled legal principles and to refrain from initiating wrongful proceedings against the Petitioners and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice."

4. The learned writ court held the writ petition to be not maintainable, since a case has already been filed in respect of F.I.R.No.100 of 2026 on 11.02.2026.

5. Learned counsel for the appellants contends that the prayer was to direct the police authorities not to file any more First Information Reports under Section 223 and 275 of the Bharatiya Nyaya Sanhita, 2023, along with other Sections of the Cigarettes and Other Tobacco Products Act, 2003. However, the learned writ court, perhaps, could not appreciate the nature of the relief prayed for and dismissed the writ petition being guided by the institution of one F.I.R.No.100 of 2026.

6. However, we are of the view that the writ appeal under Clause 15 of the Letters Patent jurisdiction of this court is not maintainable against the subject matter and relief connected with criminal jurisdiction.

7. Therefore, the instant writ appeal is dismissed as not maintainable. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/- K. AMMAJI
DEPUTY REGISTRAR

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SECTION OFFICER

To,

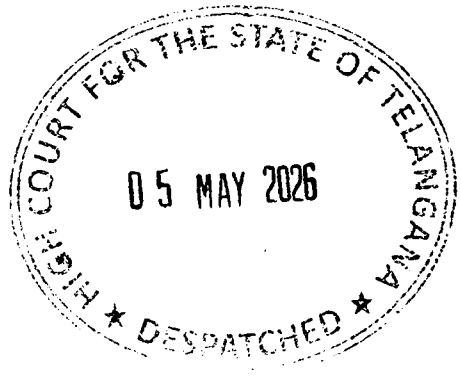
1. One CC to SRI OMAR A PASHA, Advocate. [OPUC]
2. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
3. Two CD Copies.

BSK

GJP

HIGH COURT

DATED: 17/04/2026



JUDGMENT

WA.No.435 of 2026

DISMISSING THE WRIT PETITION WITHOUT COSTS

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