

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**THE HONOURABLE SRI JUSTICE N.TUKARAMJI**

**WRIT PETITION No.13816 OF 2018**

**DATE:04.05.2026**

Between :

Jogaram Lohar

... Petitioner

AND

The State of Telangana Rep by its Principal  
Secretary, Home Department, Secretariat  
Hyderabad and 15 others.

... Respondents.

**ORDER:**

This Writ Petition is filed under Article 226 of the  
Constitution of India seeking the following relief:

*“...To issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the action of the Respondent Nos.5 to 9 for keeping the Petitioner in illegal custody in Jain Bhavan in Rajasthan for one and half days and thereafter in P S Banjara Hills for three days and 17 days in Pranav Lodge, Panjagutta, Hyderabad apart from forcibly obtaining GPA at Bhinmall Court Complex, Rajasthan are the acts of illegality, arbitrary and unconstitutional and further direct*

*the Respondent No.2 to entrust any other police agency such as SIT, Task Force or Crime Branch to investigate and file a report and further to take appropriate action against the Respondent Nos.5 to 9 and direct them to recover the original land papers along with GPA papers and handover the same to the Petitioner and register a criminal case for the illegal activities of Respondent No 10 - 16.....”*

2. Heard M/s. A.L. Raju, learned Counsel for the petitioner and learned Assistant Government Pleader for respondent Nos.1 to 4.

3.1. The brief facts, as set out by the petitioner, are that he is an agriculturist and a permanent resident of the State of Rajasthan, having no commercial or business nexus with Hyderabad. It is alleged that on 28.02.2018, officials attached to Police Station, Banjara Hills, acting in concert with certain private individuals, unlawfully apprehended the petitioner without any authority of law and demanded delivery of 40 kilograms of silver. The petitioner further asserts that he was forcibly transported to Rajasthan and unlawfully confined at *Jain Bhavan*, where he was subjected to custodial violence, physical coercion, and intimidation, in violation of established legal safeguards.

3.2. According to the petitioner, on 01.03.2018, at the *Bhinmal Court Complex*, he was compelled under duress and coercion to execute certain documents, resulting in the creation of a fabricated General Power of Attorney (GPA) in favour of respondent No.13. It is further alleged that his original title documents pertaining to agricultural land admeasuring Ac.3.00 guntas situated in *Jalore District* were unlawfully seized. The petitioner contends that these acts were part of a premeditated and concerted attempt by the respondents to illegally usurp his property, thereby constituting offences inter alia under the Indian Penal Code relating to extortion, criminal intimidation, and abuse of authority.

3.3. The petitioner further alleges that he was again illegally detained between 14.03.2018 and 16.03.2018 and confined at *Pranav Lodge, Hyderabad*, where he was subjected to threats and coercion. It is also asserted that a false case in FIR No.44 of 2018 was shown pending against him under Sections 420, 406, and 379 of the Indian Penal Code, in collusion with private respondents, with the ulterior motive of harassment and coercion. The petitioner maintains that these actions are arbitrary, mala fide, and violative of his fundamental rights.

4.1. Learned counsel for the petitioner submits that the actions of the respondent authorities constitute a gross infringement of the petitioner's fundamental rights, particularly the right to life and personal liberty guaranteed under Article 21 of the Constitution of India. It is contended that the petitioner was subjected to illegal detention and custodial torture without adherence to "procedure established by law," rendering the actions of the police manifestly arbitrary, unconstitutional, and violative of due process requirements as interpreted by constitutional jurisprudence.

4.2. Reliance is placed on the judgment of the Supreme Court in *D.K. Basu v. State of West Bengal*, AIR 1997 SC 610, wherein mandatory safeguards against custodial abuse were laid down, including requirements of arrest memo, medical examination, and intimation to relatives. Any deviation from these safeguards has been held to constitute a violation of Article 21.

4.3. It is further argued that the coercion allegedly employed in obtaining execution of the GPA and the unlawful seizure of original documents amount to extortion and abuse of official power. The registration of FIR No.44 of 2018 is stated to be

malicious, actuated by mala fide intent, and constituting an abuse of the process of law.

4.4. The petitioner accordingly seeks a declaration that the acts of the respondent police are unconstitutional; An independent investigation by a Special Investigation Team (SIT) or CB-CID; Recovery of original documents; Initiation of criminal proceedings against respondent Nos.5 to 16; and protection against further harassment.

5.1. Per contra, learned counsel for the respondents submits that the writ petition is misconceived and filed with an ulterior motive to challenge lawful police action undertaken pursuant to a duly registered criminal case. It is contended that Crime No.44 of 2018 was registered based on a complaint lodged by respondent No.10 under Sections 406, 420, and 379 IPC, and that the investigation was conducted strictly in accordance with law.

5.2. It is submitted that statements of witnesses and material evidence collected during investigation disclose prima facie involvement of the petitioner and other accused persons in offences relating to cheating, criminal breach of trust, and theft of silver ornaments.

5.3. The respondents further assert that the petitioner and other accused were arrested in compliance with statutory procedure under the Code of Criminal Procedure, produced before the competent Magistrate, and remanded to judicial custody. Upon completion of investigation, a charge sheet was filed, and the case was taken on file as C.C. No.1827 of 2018 by the III Additional Chief Metropolitan Magistrate, Hyderabad. It is also submitted that the parties subsequently entered into a compromise under Section 320 CrPC, culminating in settlement before the Lok Adalat on 14.07.2018.

5.4. All allegations of illegal detention, custodial violence, and coercion are denied as baseless, belated, and afterthoughts. It is emphasized that no complaint was made by the petitioner at the time of remand or at any earlier stage. Accordingly, the respondents contend that the writ petition is not maintainable, particularly in light of the concluded criminal proceedings.

6. This Court has carefully considered the submissions and perused the material on record.

7. A perusal of the complaint and FIR reveals that the dispute originates from a commercial transaction involving the supply of silver ornaments. The complainant alleged inducement and subsequent failure to discharge financial

obligations, coupled with theft of approximately 60 kilograms of silver ornaments.

8. Thus, two competing narratives emerge: (i) the petitioner's case of illegal detention, custodial torture, and coercion; and (ii) the respondents' assertion of lawful investigation arising out of a commercial dispute culminating in criminal proceedings and settlement.

9. It is well settled that the jurisdiction of this Court under Article 226 of the Constitution extends to cases involving violation of fundamental rights, particularly where State action is arbitrary, mala fide, or without authority of law. In *Nilabati Behera v. State of Orissa*, the Supreme Court held that violation of Article 21 by State actors gives rise to a public law remedy, including compensation.

10. In the present case, although the respondents assert lawful arrest and remand, the records pertaining to Crime No.44 of 2018 do not reflect the petitioner's name in the FIR, remand report, or charge sheet. However, certain police communications refer to the petitioner, thereby lending prima facie support to his claim that he was apprehended despite not being formally arrayed as an accused.

11. This inconsistency raises serious concerns regarding the legality of the petitioner's alleged detention. If the petitioner was not formally shown as an accused, his production before the Magistrate would not arise. The respondents' version, therefore, appears incongruent with the record, warranting closer scrutiny.

12. While allegations relating to coercion, execution of GPA, and seizure of documents involve disputed questions of fact not amenable to adjudication under writ jurisdiction, the inconsistencies in the respondents' stand and the prima facie material necessitate an independent and impartial investigation.

13. In such circumstances, entrusting the matter to an independent agency is essential to uphold the rule of law, ensure transparency, and preserve public confidence in the administration of justice.

14. Accordingly, the writ petition is allowed with the following directions:

A. The Director General of Police shall cause registration of a crime/FIR based on the petitioner's averments and entrust the investigation to a Special Investigation Team (SIT) or CB-CID within four (4) weeks.

B. The SIT/CB-CID shall conduct a fair, impartial, and independent investigation in accordance with law.

C. The investigation shall be completed expeditiously, preferably within six (6) months.

D. The investigating agency shall submit periodic status reports before the jurisdictional Magistrate.

E. Upon submission of the final result, the jurisdictional Magistrate shall proceed in accordance with law.

15. The Writ Petition is allowed with aforesaid directions. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

Date: 04.05.2026

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**N.TUKARAMJI, J**

MRKR

**THE HON'BLE SRI JUSTICE N. TUKARAMJI**

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MRKR