

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 6435 OF 2015

Between:

K.V. Chalapathi, S/o. Sri Bhanojirao, Occ. Onwer of Vamshi Krishna Minerals & Traders Having its registered office at 13-179, Madhusudhana Nagar, Malkajgiri, Hyderabad - 500 047, Telangana State.

...Petitioner/Accused

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. R. Arun Kumar, S/o. R. Sankar, R/o. H.No. 13-2-361/6, Jali Hanuman, Mangalhat, Hyderabad.

...Respondents

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records relating to and connected with the proceedings in FIR No. 39 of 2015 on the file of the Court Manghalhat Police Station, Hyderabad and quash the same, and pass

I.A. NO: 2 OF 2015(CRLPMP. NO: 6341 OF 2015)

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay all further proceedings in FIR No. 39 of 2015 on the file of the Manghalhat Police Station, Hyderabad including arrest of the petitioner, pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri A.Raghavaiah, Advocate for the Petitioner and the Asst. Public Prosecutor on behalf of the Respondent No.1 and of Sri D.Ramakrishna Advocate for the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E. V. VENUGOPAL**CRIMINAL PETITION No.6435 OF 2015****ORDER:**

The present Criminal Petition is filed under Section 482 of Cr.P.C. seeking to call for the records relating to and connected with the proceedings in F.I.R.No.39 of 2015 on the file of the Manghalhat Police Station, Hyderabad and quash the same.

2. No representation on behalf of the petitioner. Heard Mr. Vizarith Ali, learned Assistant Public Prosecutor appearing for the respondent State.

3. A perusal of the record shows that there was no representation on behalf of the petitioner on 15.06.2023 and 22.06.2023. Even today also i.e., on 31.07.2023 there is no representation on behalf of the petitioner. Therefore, this Court is inclined to proceed with the matter as per the decision of the Hon'ble Apex Court in "*Bani Singh and others Vs. State of Uttar Pradesh*¹", wherein it was categorically held that the High Court cannot dismiss any appeal for non-prosecution *simpliciter* without examining the merits, rather than, closing the Criminal Petition by taking the memo onto the file.

¹ (1996) 4 Supreme Court Cases 720

4. The matter pertains to the year, 2015 and the Station House Officer, P.S. Mangalhat, Hyderabad vide letter No.352/OW/PS-MH/2023 dated 10.07.2023 addressed to the Assistant Registrar, Criminal Section, High Court of Telangana, Hyderabad would submit that the case in Crime No.39 of 2015 under Sections. 420 & 506 I.P.C. of P.S. Mangalhat, Hyderabad was transferred to the file of P.S. Narayanguda, Hyderabad on 20.10.2015 and re-registered as a case in Crime No.461 of 2015 under Sections. 420 & 506 of I.P.C. in P.S. Narayanguda, Hyderabad.

5. Since, Crime No.39 of 2015 on the file of P.S. Mangalhat, Hyderabad was already transferred to the file of P.S. Narayanguda and registered as Crime No.461 of 2015, this Court is of the opinion that no further orders are required to be passed in the Criminal Petition and therefore, the Criminal Petition is dismissed as infructuous, accordingly.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//



SECTION OFFICER

To,

1. The XVI Additional Chief Metropolitan Magistrate, at Hyderabad.
2. The Station House Officer, Mangalhat Police Station, Hyderabad.
3. One CC to Sri. A.Raghavaiah Advocate [OPUC]

4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OUT).
5. One CC to Sri. D.Ramakrishna, Advocate [OPUC]
6. Two CD Copies.

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HIGH COURT

EVV, J

DATED:31/07/2023

ORDER

CRLP.No.6435 of 2015



**DISMISSING THE CRL.P
AS INFRUCTUOUS**

⑨ VLV
24/8/23