

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

FRIDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 970 OF 2014

Criminal Revision filed under Sections 397 & 401 of CrPC against the order dated 25.03.2014 made in C.C.Sr.No. 4559 of 2013 on the file of the court of the VIII Additional Chief Metropolitan Magistrate, Hyderabad.

Between:

1. Zainab Khatoon, D/o Gulam Hyder Khan R/o 17-2-181/38/1/A, Aijabri Colony Chawni Nade Ali Baig, Yakatpura Hyderabad
2. Mohd, Masood Ali Khan, S/o Gulam Hyder Khan R/o 17-2-181/38/1/A, Aijabri Colony Chawni Nade Ali Baig, Yakatpura Hyderabad
3. Mohd. Abid Ali Khan, S/o Gulam Hyder Khan R/o 17-2-181/38/1/A, Aijabri Colony Chawni Nade Ali Baig, Yakatpura, Hyderabad. All are rep. by their GPA holder vide Doc.No. 377/IV/2013 Shaker Ali Khan S/o Mohd. Abid Ali Khan)

...PETITIONERS/COMPLAINANTS

AND

1. State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of A.P. Hyderabad.
2. Shabana Yasmin, D/o Kareemuddin, Occ Private Service R/o 3-57, Mustyala Village Cherial Mandal, Warangal District
3. Kareemuddin, S/o Nizamuddin, Agriculture, R/o 3-57, Mustyala Village Cherial Mandal, Warangal District
4. Mohd. Khaja, S/o Mohd. Hasnuddin, Cook, R/o H.No. 16-4-200, Chanchalguda, Hyderabad.
5. Syed Zainul Abideen, S/o Syed Hasnuddin, Business, R/o H.No. 17-3-2/4/A, Sureyaryung, Devdi, Yakutpura, Hyderabad.
6. Abdul Aleem Siddiqui, S/o Abdul Mannan, Business, R/o SRT Colony, Yakutpura, Hyderabad.

...RESPONDENTS/ACCUSED

Counsel for the Petitioners: SRI P. RAJKUMAR (Not Present)

**Counsel for the Respondent No.1: SRI K. RAMA KOTIAH
ASSISTANT PUBLIC PROSECUTOR**

Counsel for the Respondent Nos.2 to 6: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE No.970 OF 2014

ORDER:

The present Criminal Revision Case is filed aggrieved by the order dated 25.03.2014 C.C.SR.No.4559 of 2013 on the file of learned VIII Additional Chief Metropolitan Magistrate, Hyderabad in (for short, "the trial Court"), wherein and whereby the learned Judge of the trial Court had dismissed the private complainant stating that the dispute between the parties is purely civil in nature and that no *prima facie* case is made out against the accused for the offences under Sections 120(b), 304, 323, 363, 406, 420, 423, 427, 447, 464 and 506 of IPC.

2. No representation on behalf of the petitioners. Heard Mr. Ramakotaiah, learned Assistant Public Prosecutor appearing for respondent State.

3. This Court is inclined to proceed with the matter on merits of the case 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.

¹ (1996) 4 Supreme Court Cases 720

4. This Court vide order dated 27.04.2022 in CrI.R.C (SR) No.3198 of 2022 held that as against an interlocutory order, a Revision under Section 397 of Criminal Procedure Code is not maintainable.

5. In view of the facts and circumstances of the case, this Court is not inclined to entertain the Criminal Revision Case at this stage, as the proceedings hereunder are covered by the order dated 27.04.2022 in CrI.R.C (SR) No.3198 of 2022 passed by this Court.

6. Accordingly, the Criminal Revision Case is dismissed. Needless to mention, the petitioner is at liberty to work out the remedies available under law.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

**SD/-K.SAILESHI
DEPUTY REGISTRAR**

SECTION OFFICER

To,

1. The VIII Additional Chief Metropolitan Magistrate, Hyderabad.
 2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad[OUT]
 3. One CC to Sri P. Rajkumar, Advocate [OPUC]
 4. Two CD Copies
- BR/plp

CHR

HIGH COURT

DATED:28/06/2024

ORDER

CRLRC.No.970 of 2014



DISMISSING THE CRL.R.C.

⑦CHR
21/10/24