

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WEDNESDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIFTEEN

PRESENT
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.533 of 2013

Between:

M/s.Sri Rajmatha Projects, Hyderabad
Rep.by its Managing Partner R.Karthik

..... PETITIONER

AND

C.M.A.Rasheed Ahmed and another

.....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: **22.07.2015**

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 2. | Whether Their Ladyship/Lordship wishes to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.533 of 2013

ORDER:

This criminal revision case is filed questioning the correctness of the order dated 31.01.2013 passed by the learned IX Additional Chief Metropolitan Magistrate, Hyderabad in CC(SR) No.7108/2012, by and under which, the complaint filed by the petitioner was dismissed.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, representing the State.

The petitioner filed a private complaint against the 1st respondent herein alleging offences punishable under sections 420 and 500 IPC. It is alleged in the complaint that he availed housing loan of Rs.8 lakhs from the Andhra Bank, Masab Tank Branch, Hyderabad and committed default. Subsequently, the Bank authorities after issuing proceedings under SARFAESI Act, took possession of the house property of the petitioner. Later, the petitioner on one time settlement, paid cash of Rs.2,00,000/- and issued cheque for Rs.10,000,00/- for the remaining balance and the said cheque was dishonoured. Thereafter, the petitioner cleared off the entire loan amount. It is stated that in the meanwhile, the 1st respondent herein who was the Chief Manager of Andhra Bank has colluded with the enemies of the petitioner who are his neighbours and allowed the house of the petitioner to be damaged by the neighbours and he failed to safeguard the property. The neighbours have damaged the overhead tank pipelines, damaged the drainage, damaged the electricity lines and constructed a compound wall when the property was in possession of the Andhra Bank. With these allegations, the petitioner filed the complaint.

The learned Magistrate, after recording the sworn statement of the petitioner/complainant, found that there is no material sufficient to proceed against the 1st respondent in criminal trial and accordingly,

dismissed the complaint.

Even according to the complaint, the offences alleged under sections 420 and 500 IPC are not attracted. Due to default in payment of loan instalments, the bank initiated proceedings under SARFAESI Act and has taken possession of the house property of the petitioner on 02.08.2010. When the loan amount is cleared off, the bank officials released the house property to the petitioner. The allegations made in the complaint does not attract the offences punishable under section 420 and 500 IPC against the 1st respondent, and hence the Court below has rightly dismissed the complaint. The petitioner is not supposed to make any allegations against the 1st respondent, who is alleged to be Chief Manager of the Andhra Bank for the alleged damage caused to the house of the petitioner, without any iota of evidence. There are no merits in the present revision case.

Therefore, the Criminal Revision Case is dismissed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 22.07.2015

Dsr