

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2674 OF 2016

ORDER:

This Criminal Revision Case is filed by the petitioner/*de facto* complainant under Sections 397 and 401 Cr.P.C. challenging the order, dated 8.10.2009, in CrI.M.P.No.3847 of 2009 in Crime No.205 of 2009 on the file of the X Metropolitan Magistrate, Cyberabad at Malkajgiri whereunder and whereby, the learned Magistrate dismissed the protest petition filed by the petitioner in Crime No.205 of 2009 of Malkajgiri Police Station against the final report filed by the police referring his complaint as false.

2. The petitioner herein is the *de facto* complainant in the above crime. The accused is the resident of Anandbagh, Malkajgiri, who is a Contractor. The petitioner has lodged a report before the Station House Officer, Malkajgiri under Section 3(1)(X) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the accused, which was registered as Crime No.205 of 2009 of Malkajgiri Police Station and the same is pending before the X Metropolitan Magistrate, Cyberabad, Ranga Reddy District at Malkajgiri. On 13.6.2009, the Investigating Officer/Assistant Commissioner of Police, Malkajgiri called the petitioner and gave a notice stating that the final report of Crime No.205 of 2009 has been produced before the Magistrate and as no case was proved, the petitioner may oppose the said final report. Therefore, the petitioner filed the protest petition for an appropriate remedy of taking cognizance against the accused and the same was numbered as CrI.M.P.No.3847 of 2009. The learned Magistrate, after perusal of the final report filed by the Assistant

Commissioner of Police, Malkajgiri, opined that no *prima facie* case was made out by the *de facto* complainant to take cognizance of the alleged offence against the accused and accordingly, dismissed the protest petition by accepting the final report filed by the A.C.P., Malkajgiri. Aggrieved thereby, the petitioner filed the present Revision Case.

3. Heard and perused the material available on record.

4. On perusal of the sworn statements of the *de facto* complainant and two other witnesses and the final report filed by the A.C.P., Malkajgiri, the learned Magistrate came to the conclusion that no such offence occurred and the complainant filed the protest petition only to save the skin of his son. The learned Magistrate rightly dismissed the protest petition and hence, the impugned order does not warrant interference of this Court and this Revision is liable to be dismissed.

5. Accordingly, this Criminal Revision Case is dismissed confirming the order, dated 8.10.2009, in Crl.M.P.No.3847 of 2009 in Crime No.205 of 2009 on the file of the X Metropolitan Magistrate, Cyberabad at Malkajgiri.

6. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

27.9.2016
AMD

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Date: 27.9.2016

AMD