

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY ,THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL REVISION CASE NO: 1728 OF 2016

Criminal Revision Case under Sections 397 & 401 of Cr.P.C. against the Judgment dated 04-04-2016 made in SR.No. 2285/2015 on the file of the Court of the 1st Additional Chief Metropolitan Magistrate at Hyderabad.

Between:

G.Balaiah, @ Aggu Balaiah, S/o. G.Pentaiah, Occ: Retd. Employee, R/o. CIB Qtr.No. 16/B, H.No. 6-1-271, Khairatabad, Hyderabad.

...PETITIONER/COMPLAINANT

AND

1. The State of Telangana, rep. by the Public Prosecutor, High Court at Hyderabad.
2. K.Karun Kumar Yadav, S/o. K.Narsing Rao, R/o. H.No. 6-1-225, CIB Qtr.No. 12B, Khairatabad, Hyderabad.
3. Khaled Sarvar, S/o. not known R/o. City Planner (Central Zone) O/o. The Chief City Planner, 5th Floor, Town Planning Wing, GHMC Lower Tank Bund, Hyderabad.
4. S.A.Sami, S/o. not known, Occ: Asst. City Planner (NALA) O/o. The Chief City Planner, 5th Floor, Town Planning Wing, GHMC Lower Tank Bund, Hyderabad.
5. A.Krishna Reddy, S/o. Late A.Satyanarayana Reddy, Occ: Business, R/o. H.No. 6-1-127/9, Khairatabad, Hyderabad.
6. P.Shanker Reddy, S/o. P.Sreedhar Reddy, Occ: Business, R/o. H.No. 6-1-282, CIB Qtr.No. 127/B, Khairatabad, Hyderabad.
7. K.Anasuyamma, W/o. Late K.Achaiah, Occ: Household, R/o. H.No. 6-1-269, CIB Qtr.No. 14B, Khairatabad, Hyderabad.

...RESPONDENTS/ACCUSED

Counsel for the Petitioner : Sri. Rakesh Sanghi

Counsel for the Respondent No. 1 : Sri Vizarath Ali, Asst., PP

Counsel for the Respondent No.s 2 and 7: SRI D. NARSIMULU (Not appeared)

Counsel for the Respondent No.3 : SRI C. SHARAN REDDY

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL REVISION CASE No.1728 OF 2016

ORDER:

1 Heard Sri Rakesh Sanghi, learned counsel for the petitioner and Sri Vizarith Ali, learned Assistant Public Prosecutor appearing for the State.

2 This criminal revision case is filed challenging the order dated 04.04.2016 passed in S.R.No.2285 of 2015 by the learned I Additional Chief Metropolitan Magistrate, Hyderabad whereunder the complaint filed by the petitioner was rejected.

3 The facts, in nutshell, are that, the second respondent in connivance with respondent Nos.3 and 4 who are the officials of the GHMC and respondent Nos.5 to 7, created a fake building plan and saved the building from demolition.

4 The case of the petitioner / complainant was that he is the absolute owner and possessor of CIB quarter No.15/B bearing MCH No.6-1-270, Khairtabad, Hyderabad admeasuring 131.66 sq. yards and also open space abutting and in front of his quarter admeasuring 40 sft. His Southern side neighbour i.e. second respondent herein purchased CIB quarter No.12/B, bearing MCH No.6-1-225, Khairtabad, Hyderabad consisting of ground floor and three upper floors without obtaining

permission from the municipal authorities which is causing inconvenience for the ingress and egress of the complainant. The second respondent herein created a fake, forged and fabricated blue print building plan and cheated the municipal authorities. The complainant brought to the notice of the municipal authorities about the illegal construction of the building by the second respondent, but in vain. The petitioner filed Writ Petition No.30162 of 2012, which was disposed of with a direction to the municipal authorities to examine, consider and pass appropriate orders. A review petition filed against the said order was also dismissed.

5 It is the further case of the petitioner that the municipal authorities conducted hearing and closed the matter without any outcome. Hence the petitioner filed Contempt Case No.1692 of 2013 wherein the authorities filed letter stating that the second respondent submitted the permit copy, permission for additions in the ground floor and also filed another copy of permit of regularisation of ground plus three upper floors and that the City Planner verified the records and the building is covered under regularised sanctioned plan and the same cannot be demolished.

6 In that backdrop of the matter, the learned trial Court returned the complaint taking objections that the subject matter is purely civil in nature and that there are suitable orders from the Hon'ble High Court in the civil suit for declaration. Against the said order of the trial Court, the

petitioner preferred CrI.R.P.No.221 of 2015, which was disposed of with an observation that the petitioner could have explained to the lower court itself about the said objections since the complaint was not rejected.

7 Thereupon, the petitioner re-presented the complaint again before the learned trial Court. The trial Court by the order impugned in this revision case, rejected the complaint. Hence the present criminal revision case.

8 Having perused the material available on record, I am of the considered view that the learned trial Court has rightly observed that the subject matter is purely civil in nature. The petitioner is complaining that the documents produced by the second respondent herein are fake, forged and fabricated documents. In such circumstances, it is for the petitioner to take a direction from the civil court to cancel such of those documents in a civil suit. Moreover, in the Contempt Case No.1692 of 2013 filed by the petitioner the authorities filed letter stating that the second respondent submitted the permit copy, permission for additions in the ground floor and they also filed copy of permit of regularisation of ground plus three upper floors and that building is covered under regularised sanctioned plan and the same cannot be demolished. Therefore, this Court in this criminal revision case cannot decide the

authenticity and genuineness of the documents. Hence this court finds no ground to interfere with the order passed by the learned trial Court.

9 The criminal revision case is accordingly dismissed. Miscellaneous petitions if any pending in this criminal revision case shall stand closed.

Sd/- K. SAILESHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The 1st Additional Chief Metropolitan Magistrate at Hyderabad.
2. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
3. One CC to SRI. RAKESH SANGHI, Advocate [OPUC]
4. One CC to SRI D. NARSIMULU, Advocate [OPUC]
5. One CC to SRI C. SHARAN REDDY, Advocate [OPUC]
6. Two CD Copies

DL

Hvt

HIGH COURT

EVV,J

DATED:20/09/2023

ORDER

CRLRC.No.1728 of 2016



DISMISSING THE Crl.R.C.

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18/10/23
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