

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 6692 OF 2019

Between:

Mohd Ghouse Khan, S/o. Khaja Moinuddin Khan Aged about 35 Years Occ
Business R/o. H. No. 18-2-614, Jangamet, Falaknuma, Hyderabad

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court at Hyderabad.

RESPONDENT

2. Sri Mohammed Masood, S/o. Mohd. Khasim Aged about 52 Years Occ
Business, R/o. Flat No. 203, Block A Nasar Apartments H No. 10-2-9 Shanti
Nagar, Hyderabad.

...RESPONDENT/COMPLAINANT

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 direct the Lower Court i.e., Chief Metropolitan Magistrate Nampally Criminal Court Hyderabad to dispose of the Criminal Miscellaneous Petition ie., Perjury Petition No. 3070 of 2019 in Calendar Case Viz C.C. No. 579 of 2016 which is filed under section 340 R/w 195 of Criminal Procedure Case first before proceeding with further Trial in the light of the judgment reported in 2002 (1) Supreme Court Cases paged 253, Full Bench and unreported judgment of Honble Allahabad High Court rendered in the matter of Syed Nazim Husain Vs Addl Principal Judge in WP (56) of 2002 dated 09.01.2003 and the judgment rendered by the Honble Bombay High Court in Civil Application No. 2939 of 2017 in WP No. 14039 of 2017 dated 26.04.2018.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M MEHDI HUSSAIN, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent No. 1, and None appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 6692 OF 2019

ORDER:

1. Learned Public Prosecutor submits that the case i.e., in C.C.No.579 of 2016 ended in acquittal of the petitioner/accused on the file of the learned Chief Metropolitan Magistrate at Nampally, Hyderabad and the cause in the criminal petition no longer survives for adjudication and has become infructuous.

2. Recording the said submission, the Criminal Petition is dismissed as infructuous.

3. Miscellaneous Petitions, pending if any, shall stand closed.

**Sd/-P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

- To,
1. The Chief Metropolitan Magistrate Nampally Criminal Court Hyderabad.
 2. One CC to SRI. M MEHDI HUSSAIN, Advocate [OPUC]
 3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
 4. Two CD Copies

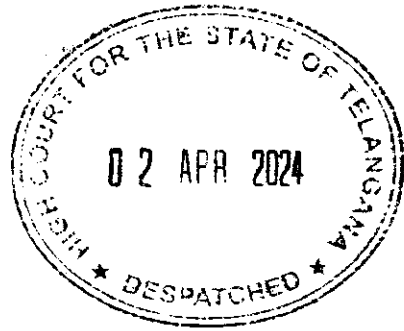
SWT

HIGH COURT

DATED: 29/12/2023

ORDER

CRLP.No.6692 of 2019



**CRIMINAL PETITION IS
DISMISSED AS INFRUCTUOUS**

⑦ VLW
15/3/24