

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

**THURSDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11052 OF 2023

Between:

Shree Marwadi Hindi Vidyalaya Alumni Society, Registered as No.84 of 2020,
Represented by its Secretary Sri Dinesh Agarwal, S/o. Late Goverdhandas
Agarwal, Aged about 55 years Occupation Business, R/o. H. No. 8-1-266,
Shivajinager, Secunderabad.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Through its Public Prosecutor, High Court at Hyderabad
2. Sri. Suresh Chand Lahoti, S/o. Late Pannalal Lahoti, R/o. H. No.1-11-221, Street No. 4, Gurumurthy Lane, Begumpet Hyderabad, Telangana

...RESPONDENT/COMPLAINANTS

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 call for records by setting aside the Order in Cr1. Revision Petition No. 135 of 2022, dated 04.08.2023 on the file of The Special Judge For Trail Of Offences Under S.Cs and S.Ts Act-Cum-VI Additional Metropolitan Sessions Judge. At. Secunderabad in confirming the judgment rendered by the XXII Addl Chief Metropolitan Magistrate in CCSR No. 4072 of 2021, dated 29/06/2022.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MOHAMMED ABDUL RASHEED, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11052 OF 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/complainant to set aside the order dated 04.08.2023 in CrI.R.P.No.135 of 2022 on the file of the Special Judge for Trial of Offences under S.Cs & S.Ts (POA) Act-cum-VI Addl. Metropolitan Sessions Judge, Secunderabad in confirming the order dated 29.06.2022 rendered by the XXII Addl. Chief Metropolitan Magistrate, Secunderabad in CC S.R.No.4072 of 2021.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. The petitioner/complainant is aggrieved by the order of the Magistrate in refusing to refer the private complaint filed by him for the purpose of investigation.

4. The de facto complainant is Secretary of Shree Marwadi Hindi Vidyalaya Alumni Society. He alleged that misappropriation of funds of the Society took place to a tune of Rs.19,01,66,344/-. In view of the said misappropriation, he had given several representations to the Commissioner of Police during 2020, 2021 and 2022, but, no action was taken. For the said reasons, a private complaint was filed by him.

5. Learned Magistrate having gone through the complaint and documents filed found that self-attested statement of account was filed by the petitioner and that secondly, the petitioner did not have locus-standi to file the complaint. On the said grounds, the reference of complaint to police was refused. The said refusal was carried to revision to the Sessions Court. The learned Sessions Judge found favour with the orders of the learned Magistrate.

6. Learned counsel appearing for the petitioner would submit that there were several documents which confirm that the funds were misappropriated.

7. Apart from the said self-attested statement of account, no other documents were filed by the petitioner. I do not find any infirmity with the orders of the Courts below. However, in the event of any tangible and admissible documentary evidence being produced by the petitioner, he can always approach the Court or the police.

8. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

SD/- K. AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Judge For Trail Of Offences Under S.Cs and S.Ts Act-Cum-VI Additional Metropolitan Sessions Judge, At Secunderabad.
- 2. The XXII Additional Chief Metropolitan Magistrate, Hyderabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to SRI. MOHAMMED ABDUL RASHEED, Advocate [OPUC]
5. Two CD Copies

DL
NS

After

HIGH COURT

KS,J

DATED:09/11/2023



ORDER

CRLP.No.11052 of 2023

Criminal Petition is disposed off

8
12/12/23
Hv4