

**HON'BLE SRI JUSTICE K. SREENIVASA REDDY**

**Writ Petition No.15820 of 2023**

**Order:**

This Writ Petition has been filed assailing the proceedings initiated under Section 145 Cr.P.C by the learned Executive Magistrate.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home.

3. This Writ Petition can be disposed of on the ground of its maintainability. It is now well settled law that an order passed under Section 145 Cr.P.C or the proceedings initiated under Section 145 Cr.P.C are amenable to revisional jurisdiction under Section 397(1) Cr.P.C. Any proceedings that are initiated or order passed under Section 145 Cr.P.C cannot be construed as an interlocutory order so as to attract the bar under Section 397(2) Cr.P.C. Therefore, when the proceedings initiated under Section 145 Cr.P.C, which are being challenged in this Writ Petition, are amenable to revisional jurisdiction under Section 397(1) Cr.P.C, the petitioner cannot maintain a Writ Petition under Article 226 of the Constitution of India invoking the extraordinary jurisdiction of this Court. Since the petitioner got an efficacious alternative remedy, the petitioner has to avail the said remedy under Section 397(1) Cr.P.C. This Court, while relying on the other judgments rendered on the issue, clearly held recently in Criminal Petition (SR) No.5836 of 2021 that an order or proceedings

relating to Section 145 Cr.P.C are amenable to revisional jurisdiction under Section 397(1) Cr.P.C.

4. Therefore, this Writ Petition is dismissed as not maintainable. However, the petitioner is at liberty to avail the remedy of revision under Section 397(1) Cr.P.C to challenge the impugned order/proceedings.

5. Miscellaneous Petitions, if any pending, in this Writ Petition, shall stand closed.

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**K. SREENIVASA REDDY, J.**

04.07.2023

**Note:**

Registry is directed to return the copy of the impugned order to the petitioner to enable him to Prefer revision against the said order.

(B/O)

ASR

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**Date:.04.07.2023**

ASR