

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1358 OF 2017

ORDER:

The present petition is sought to quash the proceedings in Calendar Case No.148 of 2016 on the file of the XXIII Special Magistrate Court, Erramanzil, Hyderabad, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code').

2. Heard Sri V. Veda Vikas, learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State of Telangana.

3. The only ground urged by the learned counsel is that the petitioners herein have moved the Insolvency Court and filed I.P. No.14 of 2016 and the same is pending and, therefore, the proceedings under Negotiable Instruments Act are not maintainable, and even the proceedings under the Code cannot be proceeded with. Of course, in paragraph No.8 of the petition, reference to Section 25 (1) and 25 (3) of the Provincial Insolvency Act, 1920 is made. But, the learned counsel is not certain whether any interim pro-order is issued or obtained by the petitioners.

4. Though, it is termed that the proceedings in the above Calendar Case are abuse of process of law, nothing is projected to substantiate the said averment. In fact, the learned counsel is unable to project is there any statutory prohibition to proceed with the

criminal proceedings when the proceedings under the Insolvency Act are pending. In such an event, it cannot be said that the proceedings under the Code would amount to abuse of process of law.

Therefore, the present Criminal Petition is dismissed at the admission stage itself. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

February 17, 2017.

Mgr

