

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.7196 of 2019

ORDER:

The Criminal Petition has been filed under Section 482 of Cr.P.C. by the petitioner, who is Accused No.4, with a prayer to quash the docket order dt.30.09.2019 in C.C.No.137 of 2016 in Cr.No.579 of 2013 of Malkajgiri Police Station, Cyberabad district, passed by the learned II Addl. Junior Civil Judge-cum-XIX Addl. Metropolitan Magistrate, Cyberabad at Malkajgiri.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent-State. Perused the material on record.

3. It is contended by the learned counsel for the petitioner that the defacto-complainant company filed a private complaint under Section 200 Cr.P.C. represented by Polasa Ravi Kumar, before the trial Court and the same was forwarded to Kushaiguda Police, who in turn registered the same as Cr.No.579 of 2013 for the offences punishable under Sections 406, 420, 468, 471 and 477(A) IPC. The police after completion of investigation, filed final report showing that the case is civil in nature as the disputes are with regard to the management of the Company and the amounts claimed are subject matter of a civil litigation. Aggrieved by the same, the defacto-complainant filed a protest petition vide CrI.M.P.No.681 of 2015 in which the trial Court examined the defacto-complainant and two others and taken the petition on record and numbered as C.C.No.137

of 2016. It is further contended that the trial Court by the impugned order directly issued Non Bailable Warrant, against the petitioner without serving summons on him and giving an opportunity and the same is erroneous, contrary to established principles of law and also violation of rights. In fact, the defacto-complainant himself is also not attending the Court nor have taken any steps to ensure proper service of the summons.

4. In view of the above submissions made by the learned counsel for the petitioner and having regard to the facts and circumstances of case, the docket order dt.30.09.2019 in C.C.No.137 of 2016 in Cr.No.579 of 2013 of Malkajigiri Police Station, Cyberabad district, passed by the learned II Addl.Junior Civil Judge-cum-XIX Addl. Metropolitan Magistrate, Cyberabad at Malkajigiri is liable to be set aside and accordingly set aside. The petitioner/ A.4 is directed to surrender before the trial Court within 15 days from today and file an application for recall of the N.B.W. issued against him in the aforesaid case, in which event, the same shall be recalled by the trial Court on his furnishing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the likesum each.

5. With the above direction, the Criminal Petition is disposed of.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

Dt.11.11.2019
Vvr.





