

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

**THURSDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11539 OF 2022

Between:

P.Ratna Priya, W/o. Ram Subash Reddy, Aged about 42 years, Occ-
Business, Rio. Sy.No. 33/12, FCI Godown Road, Mallapur, Hyderabad-500
076. **A-2**

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. M/s. Lands Rover Engineers, Rep by its Proprietor Balaiah, (Alias Bal Reddy), S/o. Y. Shiva Reddy, aged about 38 years, Occ- Business, R/o. Plot No.13, Dr. Subba Rao Colony, Picket, Secunderabad

...RESPONDENTS/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 quash the proceedings in C.C.No. 432 of 2021 on the file of the Principal Junior Civil Judge-cum-Metropolitan Magistrate at Malkajgiri against the petitioner, in the interest of Justice.

I.A. NO: 2 OF 2022

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 dispense with the presence of the petitioner/Accused No.2 in C.C.No. 432 of 2021 on the file of the Principal Junior Civil Judge-cum-Metropolitan Magistrate at Malkajgiri, pending disposal of the criminal petition, in the interest of Justice

I.A. NO: 3 OF 2022

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 stay all further proceedings of the petitioners in C.C.No. 432 of 2021 on the file of the Principal Junior Civil Judge-cum-Metropolitan Magistrate at Malkajgiri, pending disposal of the criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri THAKUR NITENDER SINGH, Advocate for the Petitioner and the Public Prosecutor 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.11539 OF 2022

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused No.2 to quash the proceedings against her in C.C.No.432 of 2021 pending on the file of Principal Junior Civil Judge-Cum-Metropolitan Magistrate at Malkajgiri. The offences alleged against her are under Section 138 of N.I.Act.

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

3. A perusal of the record would reveal that, Accused No.4 is the managing director of "Sri Alamelu Manga International Bakers Private Limited" i.e., accused No.3. The complainant and the accused Nos.3, 4 entered into an agreement for a Pre-Engineering Supply Contract on 06.06.2019. Later, accused made default in payment of the said amount as per the agreement. After several approaches, accused No.4 issued the cheque to the complainant

which was signed by the accused No.2. The main allegation is that accused No.2 on behalf of accused No.1 and accused No.4 on behalf of accused No.3 with dishonest and malafide intention given instructions to the bank to 'Payment stopped by drawer' which amounts to cheating. In the charge sheet, *prima facie*, there are certain allegations leveled against the petitioner herein. They are triable issues. The petitioner has to face trial and prove his innocence. The defence taken by the petitioner cannot be considered in an application filed under Section 482 Cr.P.C. Therefore, this Court is not inclined to quash the proceedings in C.C.No.432 of 2021 pending on the file of Principal Junior Civil Judge-Cum-Metropolitan Magistrate at Malkajgiri, against the petitioner herein.

4. Thus, having regard to the facts and circumstances of the case, the attendance of the petitioner herein – Accused No.2 is dispensed with in C.C.No.432 of 2021 pending on the file of Principal Junior Civil Judge-Cum-Metropolitan Magistrate at Malkajgiri, when represented by her counsel on record. The attendance of the petitioner is dispensed with subject to filing an affidavit by the petitioner stating that in her absence the proceedings conducted by

her counsel will not be disputed by her in any manner and also she shall not dispute her identity. However, the petitioner shall appear before the learned Magistrate as and when her presence is required. In the event of the petitioner failure to appear when the Court directs, this order dispensing her attendance would stand cancelled.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- L. SIVA PARVATHI
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The XVII Metropolitan Magistrate, Cyberabad, at Malkajgiri
2. The Principal Junior Civil Judge-cum-Metropolitan Magistrate at Malkajgiri
3. The Station House Officer, Malkajgiri Police Station, Hyderabad
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to SRI. THAKUR NITENDER SINGH Advocate [OPUC]
6. Two CD Copies

VH

8

HIGH COURT

KS, J

DATED: 22/12/2022

ORDER

CRLP.No.11539 of 2022



Disposing of the Criminal Petition

⑨ Copies
Sm
5/01/2023