

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**WEDNESDAY ,THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 535 OF 2020

Between

K.Maheshwar Reddy, S/o. Nagi Reddy, Aged about 50 years, Occ: Business,
H.No.87/1354-FT, Plot No.401,Gowthami Nagar, Kurnool Town, Kurnool District,
A.P

...PETITIONER/A-2

AND

1. The State of Telangana ~~and another~~, rep.by its Pubic Prosecutor, High Court of Telangana at Hyderabad.
2. S. Sadhanandha Reddy, S/o.Late S. Gopal Reddy, aged about 44 years, Occ. Cinema Artist, R/o.Flat No.301,Plot No,8-3-161/B,Krish Apartments, Rajeev Nagar, Mothi Nagar, Hyderabad-38

...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 the records pertaining to the proceedings in C.C.No. 3992 of 2019 on the file of the court of the III rd Additional Chief Metropolitan Magistrate, Hyderabad and quash the same.

I.A. NO: 1 OF 2020

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 in C.C.No.3992 of 2019 on the file of the court of the III Additional chief Metropolitan Magistrate, Hyderabad, including appearance of the petitioner, pending disposal of the quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B. S. REDDY, Advocate for the Petitioner and of the Additional 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.535 OF 2020

ORDER:

This Criminal Petition is filed under Sections 482 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") by the petitioner - accused No.2 to quash the proceedings against him in C.C.No.3992 of 2019 pending on the file of learned III Additional Chief Metropolitan Magistrate, Hyderabad. The offences alleged against him are punishable under Sections 420, 406 and 506 read with Section 34 of the Indian Penal Code.

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

3. The facts of the case in brief are that for the purpose of producing a Telugu film, the 2nd respondent – *de facto* complainant approached accused No.1 viz., A.Laxmikanth Reddy, who advanced a loan of Rs.20,00,000/- to the 2nd respondent on 04.06.2013 and the 2nd respondent agreed to pay an interest @ 3% per month to accused No.1 and accused No.1 obtained 5 blank cheques and 5

blank promissory notes with the signatures of 2nd respondent. Apart from that, accused No.1 also obtained blank non-judicial stamp papers and other documents as security. Even though the 2nd respondent repaid the said amount, accused No.1 in collusion with this petitioner filed suit for recovery of Rs.20,62,000/- against the 2nd respondent taking undue advantage of blank promissory notes and the said suit is numbered as O.S.No.8 of 2016. Having received the summons, the 2nd respondent filed the present private complaint in the year 2018 and the same was referred to police for the purpose of investigation and the police filed charge sheet for the offences punishable under Sections 406 and 420 IPC.

4. Learned counsel appearing for the petitioner would submit that to settle the disputes, a false complaint is filed by the 2nd respondent alleging that the documents which are given to accused No.1 were misused by this petitioner. After concluding trial, in O.S.No.8 of 2016, on contest, the civil Court has decreed the suit on 22.10.2020, by directing the 2nd respondent to pay the suit amount to the petitioner herein.

5. On the other hand, learned Additional Public Prosecutor would submit that the case itself is one of misusing the documents which

were given to accused No.1, for which reason the prosecution against the petitioner has to be continued.

6. According to the complaint, certain blank documents were given to accused No.1, however, the 2nd respondent states that he came to know about the petitioner only after filing of civil suit and there is no interaction or acquaintance of 2nd respondent to this petitioner at any point of time. The said civil suit was filed in the year 2016 and nearly after 2½ years, the present complaint was filed by the 2nd respondent in the year 2018. Having contested the civil suit, the civil Court found favour with the contention of the petitioner and directed the 2nd respondent to pay the suit amount.

7. To attract an offence of cheating, there should be an act of deception. According to the complaint, this petitioner is a stranger to the 2nd respondent, as such the question of any act of petitioner deceiving the 2nd respondent does not arise. Certain documents given to accused No.1 were misused would be a defence of 2nd respondent in the civil suit, however, the civil Court has found otherwise. Further, as no property was entrusted to the petitioner, the offence of criminal misappropriation is also not made out. For

the said reasons, the proceedings against the petitioner are liable to be quashed.

8. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner – accused No.2 in C.C.No.3992 of 2019 pending on the file of learned III Additional Chief Metropolitan Magistrate, Hyderabad, are hereby quashed.

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

SD/- K. AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer Police Station Sanjeev Reddy Nagar Police Station Hyderabad.
3. One CC to SRI. B.S.REDDY, Advocate.[OPUC]
4. Two CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad.[OUT]
5. Two CD Copies

SB

HIGH COURT

DATED:29/03/2023

ORDER

CRLP.No.535 of 2020



ALLOWING THE CRLP.WITHOUT COSTS.

PK
09/05 (9)