

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

THURSDAY ,THE NINTH DAY OF NOVEMBER

TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NOs: 11081 AND 11082 OF 2023

Between:

Atul Bhagwati Prasad Daga, s/o Shri Bhagwati Prasad Narsinghdas Daga aged about 42 years Occ. Business R/o. 54 Navjeevan colony, Near Sai Mandir, Wardha Road, Nagpur.

...PETITIONER

AND

1. Shri Vijay Kumar Agarwal, s/o Jugal Kishore aged 42 years, Occ. Business R/o H. No.4-3-74/4A, Dwaraka Nagar Adilabad.

...RESPONDENT

2. The State of Telangana, Rep., by its Public Prosecutor, High Court at Hyderabad

...RESPONDENT

Petitions 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 allow the Criminal petition, thereby quashing the impugned complaint under section 138 of the NI Act vide CC No. 198 and 14 of 2018 pending on the file of learned Principal Judicial Magistrate-I, Adilabad as not maintainable and forthwith discharged the accused.

I.As. NO: 2 OF 2023 in CRL.P.NO.s1081 and 11082 of 2023

Petitions 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 direct stay of all further proceedings in CC. No. 198 and 14 of 2018 on the file of learned Principal Judicial Magistrate-I, Adilabad pending disposal of the present Criminal Petitions.

These Petitions coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri AADESH VARMA ,Advocate for the Petitioner and the Public Prosecutor (TG/AP) on behalf of the Respondent No.2 and none for the Respondent No. 1.

The Court made the following: COMMON ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.11081 and 11082 OF 2023

ORDER:

Since both the Criminal Petitions are filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the same petitioner-accused seeking to quash the complaints under Section 138 of the Negotiable Instruments Act filed by the same respondent, numbered as C.C.Nos.198 of 2018 and 14 of 2018 on the file of the Pri. Judicial Magistrate of First Class at Adilabad, they are being disposed of by this common order.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State. Perused the record.
3. Learned counsel for the petitioner would submit that the cheques in question were issued on account maintained by a Partnership Firm.
4. The cheques do not reflect that the account is maintained by a Partnership Firm. Learned counsel relies on certain documents

issued by the bank to support his argument that the cheques were issued on account maintained by a Partnership Firm.

5. In the absence of any of the cheque reflecting that the cheques were issued on account maintained by a Partnership Firm, any averment in the complaint that the cheques were issued by a Partnership Firm, the said fact has to be decided by the trial Court.

6. Accordingly, the Criminal Petitions are disposed of. Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

84
SECTION OFFICER

To,

1. The Principal Juridical Magistrate-I at Adilabad.
2. One CC to SRI. AADESH VARMA Advocate [OPUC]
3. Two CCs to the PUBLIC PROSECUTOR (TG) High Court for the State of Telangana, at Hyderabad.[OUT]
4. Two CD Copies

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Pr

HIGH COURT

KSJ

DATED:09/11/2023



COMMON ORDER

CRLP.No.11081 AND 11082 of 2023

DISPOSING OF CRIMINAL PETITIONS.

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19/12/23