

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

**FRIDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HON'BLE SRI JUSTICE K. SURENDER

CRIMINAL PETITION No: 11326 of 2023

Between:

1. Prathista Industries Ltd., Rep. by its Director Dr.V.Sathya Sarweswara Sairam Machiraju Corp. Office at # 8-2-120/114/A, Meenakshi, Banjara Hills, Hyderabad - 500 033.
2. Vaishnavi Biotech, Rep. by its Director Ms. Machiraju Vyshnavi Corp. Office at # 8-2-120/114/A, Meenakshi, Banjara Hills, Hyderabad - 500 033.
3. Dr.V.Sathya Sarweswara Sairam Machiraju, S/o. M.Kanaka Raju, aged 56 Yrs., Occ. Business, R/o. H.No.1-12-160/2, Plot No.30, J.J. Nagar, Alwal, Secunderabad.
4. Ms. Machiraju Vyshnavi, C/o. M.V.Sathya Sarweswara Sairam, aged 25 Yrs., Occ. Business, R/o. Flat No.504, 5th Floor, Block-B, Vamshiram Jyothi Cosmos, Plot No.4 & 5, Hi-Tech City, BTC, Kondapur, Hyderabad - 500 084.
5. Sunil Kumar Pathak, S/o. Vachaspathi Pathak, aged 49 Yrs, Occ. Vice-President R/o.# 78, Bhaheed Nagar, Lucknow, Uttar Pradesh - 226 025.
6. Karangula Yadagiri Rao, S/o. Kamalakar Rao, aged 40 Yrs., Occ. Employee, R/o. # 9-62, Jillela, Karimnagar, Telangana - 505 405.

...Petitioner/Accused Nos.1 to 6

AND

1. The State of Telangana, Rep. by its Public Prosecutor, Hyderabad.
2. Dayanidhi Jena, S/o. Late Damodhar Jena, aged adult, Occ. Employee, R/o. Plot No.20, SDKE, Yapral, Secunderabad.

...Respondents

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 FIR No.268 of 2023 dated 20-09-2023 on the file of P.S. Central Crime Station (DD), Hyderabad registered under sections 420 R/w. 34 of IPC.

I.A. NO: 2 OF 2023

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 grant interim stay of all further proceedings in FIR No.268 of 2023 dated 20-09-2023 on the file of P.S. Central Crime Station (DD), Hyderabad registered under sections 420 R/w. 34 of IPC including the arrest of all the accused, pending disposal of the above criminal petition.

. This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri KONA N.D.V.RAMANA RAO, Advocate for the Petitioners and 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.11326 OF 2023

ORDER:

1. This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioners/accused Nos.1 to 6 seeking to quash the proceedings against them in FIR No.268 of 2023 dated 20.09.2023 on the file of the P.S., Central Crime Station (DD), Hyderabad District, registered for the offence punishable under Section 420 r/w. 34 of Indian Penal Code.

2. Heard learned senior counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The case of the de facto complainant is that during the course of business, the petitioners have availed the services of transport over a period of time, however, most of the payments remained unpaid. To repay the said amounts, cheques were issued. The said cheques were returned unpaid.

4. Learned senior counsel for the petitioners would submit that notice was issued under Section 138 of N.I.Act in the month of December, 2022. A complaint was also filed on the very same allegations before the Mumbai Police.

5. As seen from the transactions, it appears that during the course of business, the petitioners were sued for the services rendered by the de facto complainant. In the said circumstances, this Court deems it appropriate to direct the police not to take coercive steps against the petitioners since the transactions are predominantly civil disputes. However, the petitioners shall co-operate with the Investigating Officer by furnishing information and documents as sought in concluding the investigation.

6. Accordingly, the Criminal Petition is disposed off. Miscellaneous applications pending, if any, shall stand closed.

Sd/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR



//TRUE COPY//

SECTION OFFICER

To,

1. The XII Additional Chief Metropolitan Magistrate at Nampally Hyderabad.
2. The Station House Officer, Central Crime Station Police Station, Hyderabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OUT)
4. One CC to SRI KONA N.D.V.RAMANA RAO, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED:17/11/2023

ORDER

CRLP.No.11326 of 2023



**DISPOSING OF THE
CRIMINAL PETITION**

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24/11/23