

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

THURSDAY, THE EIGHTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 3319 OF 2016

Between:

TG Suryanarayana, S/o. Late Prahlad Shetty, Aged about 60 years, Occ.
Director - Blossoms Oils and Fats, R/o. 6-3-609/147/A, Anand Nagar Colony,
Khairatabad, Hyderabad

...Petitioner / Accused

AND

1. AVS Ramesh Chandran, S/o. AVSR Gupta, Occ. Sr. Manager, APOILFED,
A.P. Cooperative Oilseeds Growers Federation Ltd., R/o. C-Block, 3rd Floor,
BRK Bhavan, Khairatabad, Hyderabad
2. The State of Telangana, Rep. by its PP, High Court of Judicature at
Hyderabad, for the State of Telangana and the State of Andhra Pradesh

...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 all further proceedings in Crime No. 11 of 2016 of Central
Crime Station (DD), Hyderabad in the interest of justice.

I.A. NO: 2 OF 2016(CRLPMP. NO: 3589 OF 2016)

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 including the arrest of the Petitioners
in Crime No. 11 of 2016 of Central Crime Station (DD), Hyderabad pending
disposal of the above Criminal petition in the interest of justice.

I.A. NO: 1 OF 2022

The State of Telangana, Rep. by its PP, High Court of Judicature at Hyderabad, for the State of Telangana and the State of Andhra Pradesh

...Petitioner / Respondent

1. TG Suryanarayana, S/o. Late Prahlad Shetty, Aged about 60 years, Occ. Director - Blossoms Oils and Fats, R/o. 6-3-609/147/A, Anand Nagar Colony, Khairatabad, Hyderabad

...Respondent / Accused

2. AVS Ramesh Chandran, S/o. AVSR Gupta, Occ. Sr. Manager, APOILFED, A.P. Cooperative Oilseeds Growers Federation Ltd., R/o. C-Block, 3rd Floor, BRK Bhavan, Khairatabad, Hyderabad

(R-2 is not necessary party)

...Respondent / 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 vacate the stay granted in CrI.P. No. 3319/2016 on the file of Hon'ble High Court, dated 11.03.2016.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Ms Tanushree, Advocate Rep. Sri T Pradyumna Kumar Reddy, Advocate for the Petitioner and Ms A Swarupa Reddy, Advocate on behalf of the Respondent No. 1 (None Appeared) and Ms S Madhavi, Assistant Public Prosecutor for the Respondent No. 2.

The Court made the following Order :

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL**CRIMINAL PETITION No.3319 OF 2016****ORDER:**

The present Criminal Petition is filed seeking to quash the proceedings in Crime No.11 of 2016 of Central Crime Station (D.D.), Hyderabad.

2. Heard Ms.Tanushree, learned counsel representing Mr.T.Pradyumna Kumar Reddy, learned counsel for the petitioner and Ms.S.Madhavi, learned Assistant Public Prosecutor appearing for respondent No.2-State.

3. The brief facts of the case are that respondent No.1-Company was involved in the business of supplying crude palm oil to various refineries on agreed rates on day to day basis. Whiles, the petitioner-firm through a broker, approached respondent No.1 for supply of 562.490 mts of oil valued at Rs.25,37,685/- on various dates from 21.08.2014 to 20.09.2014. Pursuant thereto, the petitioner issued 33 cheques for a sum of Rs.2,53,76,835/- on various dates, drawn on several bankers to respondent No.1. It is stated that on presentation, the said cheques were returned dishonoured for the reason "insufficient funds". Therefore, a notice was sent to the petitioner's Company

stating that the cheques were returned dishonoured. Then, the petitioner gave a reply stating that a major fire accident had occurred in their Company and expressed their inability to pay the amount within the stipulated time. However, the petitioner's Company assured to pay Rupees one crore during November, 2014 and the remaining balance amount during December, 2014. The said proposal was not accepted by respondent No.1 and a final notice was issued to the Company demanding payment of the amount due along with interest @ 24%. But the petitioner defaulted in payment of money despite receipt of notice. Basing on the said facts the present crime was registered against the petitioner for the offences under Sections 420 and 406 of I.P.C.

4. Learned counsel for the petitioner contended that admittedly there are disputes between petitioner and respondent No.1 pertaining to business transactions which are absolutely civil-in-nature. Having initiated proceedings under Section 138 of the Negotiable Instruments Act (for short, "the NI Act"), against the petitioner, before the competent criminal Court vide C.C.Nos.271, 272, 273, 274 of 2015, precisely after a lapse of one year, the present complaint has been filed against the petitioner only to exert pressure on the petitioner. Therefore, she submitted

that continuation of impugned proceedings is abuse of process of law and seeks to allow the Criminal Petition.

5. Learned Assistant Public Prosecutor contended that due to stay in operation, further investigation in the subject crime has been stalled. Unless and until investigation is permitted to be continued by the respondent-police, the truth cannot be elicited. Therefore, she seeks to pass appropriate orders.

6. Having regard to the submissions made by both the learned counsel, this Court is inclined to direct the respondent-Police to conduct and conclude investigation, as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of the order, strictly following the procedure as contemplated under Section 41-A of Cr.P.C. and the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹ scrupulously. It is needless to mention that, any deviation in this regard will be viewed seriously and the petitioner is also directed to co-operate with the investigation, without causing any hindrance.

7. Accordingly, the Criminal Petition is disposed of.

¹ (2014) 8 SCC 273

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The First Additional Chief Metropolitan Magistrate at Hyderabad
2. The Station House Officer, Central Crime Station PS, Hyderabad District
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
4. One CC to Sri T Pradyumna Kumar Reddy, Advocate [OPUC]
5. One CC to Ms A Swarupa Reddy, Advocate [OPUC]
6. Two CD Copies

VA/gh

PMQ.

HIGH COURT

DATED:08/08/2024

ORDER

CRLP.No.3319 of 2016



⑨ AMG,
21/10/24

DISPOSING OF THE CRLP