APHC010431842022

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3604]
(Special Original Jurisdiction)

THURSDAY, THE 8th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 6470/2022

Between:

1. GOLUGURI VENKATA RAMA REDDY, S/O SATYANARAYANA REDDY, HINDU, AGED ABOUT 44 YEARS, R/O D.NO. 5-68, SATRASAVIDI STREET, BALABHADRAPURAM VILLAGE, BICCAVOLU MANDAL, EAST GODAVARI DISTRICT

...PETITIONER/ACCUSED

AND

1. PADALA SATYANARAYANA REDDY, S/O SESHAREDDY, HINDU, AGED ABOUT 41 YEARS, OCC. BUSINESS 86 CULTIVATION, R/O 5-97, PADALAPAKA VILLAGE, BICCAVOLU MANDAL, GODAVARI DISTRICT
2. THE STATE OF ANDHRA PRADESH, THROUGH ANAPARTHI POLICE STATION, REPRESENTED BY ITS. PUBLIC PROSECUTOR, HIGH COURT OF JUDICATURE AT AMARAVATHI

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court pleased to quash the proceedings in C.C.No. 157 of 2019 pending on the file of The Additional Judicial First Class Magistrate, Anaparthi, East Godavari District and pass

IA NO: 1 OF 2022

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the

High Court may be pleased to grant stay of all further proceedings in C.C.No. 157 of 2019 pending on the file of The Additional Judicial First Class Magistrate, Anaparthi, East Godavari District including appearance of the Petitioner, pending disposal of the above criminal petition and pass

IA NO: 1 OF 2023

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased to extend the interim order dated 23.08.2022 which was extended from time to time until further orders pending disposal of the above Criminal Petition and pass

Counsel for the Petitioner/accused:

1. A K KISHORE REDDY

Counsel for the Respondent/complainant(S):

1. N YASODA KUMARI
2. PUBLIC PROSECUTOR (AP)
3. LEGAL AID

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION No: 6470 OF 2022

ORDER:

This Criminal Petition is filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the proceedings against him in C.C. No.157 of 2019 on the file of the Additional Judicial First Class Magistrate, Anaparthi, East Godavari District, for the offences punishable under Sections 138 and 142 of the Negotiable Instruments Act, 1881 (for short, 'the Act').

2. The case of the petitioner, in brief, is that he was carrying on business in the name and style of M/s. Sathya Sai Rama Poultry and, during the course of such business, he borrowed amounts from respondent No.1 to meet his personal as well as business expenses. At that time, respondent No.1 obtained signed blank promissory notes and cheques from the petitioner by way of security. The petitioner sustained losses in his business and, therefore, could not repay the amount. It is his case that he requested respondent No.1 to receive an amount of Rs.1,00,000/- and return the blank signed promissory notes and cheques, but respondent No.1 failed to do so. The petitioner admits that he issued signed blank promissory notes and cheques to respondent No.1, but contends that they were not issued towards discharge of any legally enforceable debt and that the writings thereon do not belong to him. Respondent No.1 filed O.S. No.257 of 2018 seeking recovery of money on the basis of a promissory note and, after trial, the suit was decreed for an amount of Rs.10,30,800/-. It is contended that, having already filed the civil suit and obtained a decree for the said amount, respondent No.1 could not have filed the present complaint under Section 138 of the Act and that continuation of the criminal proceedings amounts to an abuse of the process of law.

3. Heard Sri A.K. Kishore Reddy, learned counsel for the petitioner, and Smt. N. Yasoda Kumari, learned Legal Aid Counsel appearing for respondent No.1. Perused the petition and the material available on record.

4. According to respondent No.1, on 14.12.2015, the petitioner borrowed an amount of Rs.6,00,000/- from him for investment in the petitioner's business, agreeing to repay the same with interest at 24% per annum, and executed a promissory note on the same day. Despite several demands, the petitioner failed to repay the amount and, towards part-payment thereof, issued Cheque No.266675 dated 01.05.2018 for an amount of Rs.5,00,000/-. Upon presentation, the cheque was returned unpaid for want of sufficient funds. Thereafter, after complying with the statutory requirements under Section 138 of the Act, respondent No.1 filed the present complaint.

5. It is to be noted that, in the petition, the petitioner stated that he had been carrying on business under the name and style of M/s. Sathya Sai Rama Poultry and that respondent No.1 had obtained signed blank cheques and promissory notes from him, which were subsequently misused. However, during the course of arguments, learned counsel for the petitioner submitted that respondent No.1 used to supply material to the petitioner in connection with the poultry business and that the petitioner had issued signed blank cheques and promissory notes towards security and also towards advance amounts for the material to be supplied. This specific defence does not find place in the petition. In the petition, the petitioner merely stated that he had received an amount of Rs.1,00,000/- and had requested respondent No.1 to receive the said amount and return the blank signed promissory notes and cheques. It was further contended that, having instituted a civil suit for recovery of money, respondent No.1 could not have initiated the present criminal proceedings and that the same amounts to double jeopardy. The petitioner also contended that he had not filled in the relevant particulars in the promissory note and cheque.

6. The contention that the criminal complaint is not maintainable merely because a civil suit has been instituted or a decree has been obtained cannot be accepted. In ***Vishnu Dutt Sharma v. Daya Sapra***[1], the Hon'ble Supreme Court held that there is no bar to a creditor maintaining civil and criminal proceedings simultaneously and that both proceedings can proceed in parallel. Though the facts required to be established in the civil and criminal proceedings may overlap, the standard of proof applicable to the two proceedings is different. In a criminal case, the prosecution is required to establish the commission of the offence beyond reasonable doubt, whereas in a civil suit the claim is decided on the basis of preponderance of probabilities. Therefore, the institution or culmination of the civil proceedings by itself does not furnish a ground to quash the criminal proceedings under Section 482 Cr.P.C.

7. It is also well settled that, while exercising the inherent jurisdiction under Section 482 Cr.P.C. to quash an FIR or a complaint, the High Court is required to examine the allegations in the complaint and the documents accompanying it, on their face value. The Court ordinarily should not undertake an enquiry into the correctness, reliability or genuineness of the allegations. If, on a plain reading of the allegations, no offence is made out, the proceedings may be quashed. The power of quashing, however, is extraordinary and has to be exercised sparingly, with circumspection, and only in cases falling within the well-recognised parameters laid down by the Hon'ble Supreme Court in ***State of Haryana and Others v. Bhajan Lal and Others***[2].

8. In ***Bhajan Lal's*** case, the Hon'ble Supreme Court indicated the circumstances in which the extraordinary power of quashing may be exercised. The relevant principles include cases where the allegations, even if

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[1] 2009 INSC 702

[2] 1992 Supplement 1 SCC 335

accepted in their entirety, do not constitute an offence; where the allegations and accompanying material do not disclose a cognizable offence; where the uncontroverted allegations and material do not disclose the commission of an offence; where the allegations disclose only a non-cognizable offence and the requisite procedure has not been followed; where the allegations are so absurd or inherently improbable that no prudent person could reach a conclusion that sufficient grounds exist for proceeding against the accused; where there is an express legal bar to the institution or continuance of the proceedings; and where the proceedings are manifestly attended with mala fides or are maliciously instituted with an ulterior motive.

9. In the present case, the complaint specifically alleges that the petitioner borrowed Rs.6,00,000/- from respondent No.1, executed a promissory note, and subsequently issued Cheque No.266675 dated 01.05.2018 for Rs.5,00,000/- towards part-payment of the liability. The cheque was dishonoured for want of sufficient funds and the complaint is stated to have been instituted after compliance with the statutory requirements under Section 138 of the Act. These allegations, taken at their face value, prima facie disclose the ingredients necessary for proceeding under Section 138 of the Act. Whether the cheque was issued as security, whether it was issued towards a legally enforceable debt, whether the particulars in the cheque were filled in by the petitioner or by somebody else, and whether respondent No.1 misused any signed blank cheque are matters which require appreciation of evidence and cannot ordinarily be adjudicated in a petition under Section 482 Cr.P.C.

10. At this stage, this Court cannot conduct a detailed examination of the defence of the petitioner or determine the disputed questions relating to the nature of the underlying transaction, particularly when the complaint, on its face, discloses the ingredients of the offence.

11. The contention that the filing of the complaint amounts to double jeopardy is equally untenable. The civil proceedings for recovery of money and the criminal proceedings arising out of dishonour of a cheque are distinct in nature and have different objects, ingredients and standards of proof. The mere fact that respondent No.1 had instituted a civil suit and obtained a decree does not, by itself, extinguish the statutory remedy available in respect of dishonour of the cheque, nor does it constitute a bar to the continuation of the criminal proceedings.

12. Having regard to the allegations in the complaint, the material placed before this Court and the limited scope of jurisdiction under Section 482 Cr.P.C., this Court is of the view that no ground is made out for quashing the proceedings in C.C. No.157 of 2019. The disputed questions raised by the petitioner are matters for trial and the petitioner is at liberty to raise all his legally permissible defences before the learned Magistrate. This Court, therefore, finds no abuse of the process of law warranting interference in exercise of the inherent jurisdiction.

13. **In the result**, for the foregoing reasons, this Criminal Petition is dismissed.

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

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SUNITHA GANDHAM, J

08.10.2026

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