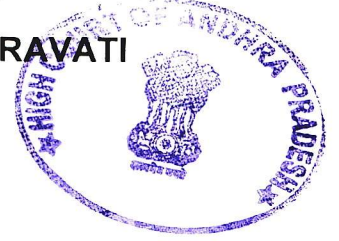


[3521]

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

THURSDAY, THE THIRTY DAY OF APRIL
TWO THOUSAND AND TWENTY SIX



:PRESENT:

**THE HONOURABLE DR. JUSTICE Y. LAKSHMANA RAO
CRIMINAL PETITION NO: 3668 OF 2026**

Between:

Nallapaneni Venkata Prasad, S/o. Nageswara Rao, Aged about 50 Yrs, Occ Self Employee, R/o. D.No.132, Hill View Apartments, Narsapura, Behind Valley School, Kolar District-563133 Karnataka State, Cell No. 9398332959.

Petitioner/Accused No.2

AND

1. Cholamandalam Investment and Finance Co Ltd, M/s. Gayatri Nagar, D.No.59-14-2a, 4th floor. Shanti Plaza, g Benz Circle, Vijayawada-520010.

Respondent/Defacto Complainant

2. The State of Andhra Pradesh, Rep.by its Public Prosecutor, High Court of Andhra Pradesh At Amaravathi.

Respondent

WHEREAS the Petitioner/Accused above named through his Advocate SRI PHANI TEJA CHERUVU presented this Petition Under Section 528 of B.N.S.S/Old Under Section 482 of Cr.P.C, is filed praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to Quash the proceedings in C.C.No. 1022/2024 against the Petitioner/Accused No.2 on the file of the II Additional Metropolitan Magistrate at Vijayawada, Krishna District in the interest of justice.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri PHANI TEJA CHERUVU Advocate for the Petitioner, Public Prosecutor for Respondent No.2, directed issue of notice to the Respondent No.1 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Cholamandalam Investment and Finance Co Ltd, M/s. Gayatri Nagar,
D.No.59-14-2a, 4th floor. Shanti Plaza, g Benz Circle, Vijayawada-
520010.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this **CRIMINAL PETITION** should not be admitted on or before 15.06.2026 to which date the case stands posted for hearing.

IA NO: 1 OF 2026

Petition Under Section 528 of B.N.S.S/Old Under Section 482 of Cr.P.C, is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant Stay of all further proceedings including appearance of the Petitioner/Accused No.2 in C.C.No. 1022/2024 on the file of the II Additional Metropolitan Magistrate at Vijayawada Krishna District in the interest of justice and pending disposal of CRLP No. 3668 of 2026, on the file of the High Court.

The Court made the following: ORDER

“Heard learned counsel for the Petitioner and the learned Assistant Public Prosecutor in part.

Issue notice to the Respondent No.2.

The learned counsel for the Petitioner is permitted to take out personal notice on Respondent No.2 and file proof to that effect.

The Petitioner/Accused No.2 is not the person who issued the cheque. Even as per the averments in the complaint filed by Respondent No.1 before the Jurisdictional Magistrate, it was Accused No.1, the owner

of the company under the name and style of Amaravathi Parivahan, who issued the cheque.

The Petitioner/Accused No.2 stood only as a guarantor for the loan extended by Respondent No.1 to Accused No.1. The Petitioner/Accused No.2 is the sister-in-law of Accused No.1.

In the judgment relied upon by the learned counsel for the Petitioner, Alka Khandu Avhad v. Amar Syamprasad Mishra¹, it was held at paragraph No.10 that a person might be jointly liable to pay a debt; however, such a person cannot be prosecuted under Section 138 of the Negotiable Instruments Act, 1881 unless the bank account is jointly maintained and that person is a signatory to the cheque.

Having regard to the facts and circumstances of the case, there shall be a stay of all further proceedings in C.C.No.1022 of 2024 on the file of the learned II Additional Metropolitan Magistrate, Vijayawada, until further orders.

Post after Summer Vacation, 2026.

SD/-K.V.RAGHAVULU
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

For ,

To,

1. Cholamandalam Investment and Finance Co Ltd, M/s. Gayatri Nagar, D.No.59-14-2a, 4th floor. Shanti Plaza, g Benz Circle, Vijayawada-520010. (by RPAD- along with a copy of petition and memorandum of grounds)
2. One CC to SRI. PHANI TEJA CHERUVU Advocate [OPUC]
3. Two CC's to Public Prosecutor, High Court of AP at Amaravati. [OUT]
4. One spare copy

tvsr

¹ (2021) 4 SCC 675

HIGH COURT

DR.YLR,J

DATED: 30/04/2026

POST AFTER SUMMER VACATION, 2026.

NOTICE BEFORE ADMISSION

CRLP.No.3668 of 2026

INTERIM STAY

