

HIGH COURT OF ANDHRA PRADESH :: AMARAVATHI

MAIN CASE NO: CrI.P.No.7902 of 2026

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
01.	09.09.2026	<u>MRK, J</u> 1. Heard learned counsel for the petitioner. 2. Learned Assistant Public Prosecutor takes notice on behalf of respondent No.1 and seeks time for getting instructions. 3. Issue notice to unofficial respondent No.2. 4. Learned counsel for the petitioner is permitted to take out personal notice to the unofficial respondent No.2 through Speed Post with acknowledgement due and file proof of service in the Registry. 5. Learned counsel for the petitioner asserts that the allegations referred to in the FIR No.182 of 2026 of Madanapalle II Town Urban Police Station, Annamayya District, are predominantly civil in nature and arise out of a commercial transaction.	

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		6. He further elaborates that the petitioner and the <i>defacto complainant</i> had also entered into an agreement, namely, the Customer Production & Buyback Agreement. He also placed a model copy of the said agreement at material page No.46 of the <i>lis</i>. 7. He further asserts that the very initiation of the criminal proceedings is <i>per se</i> illegal and contrary to the law settled by the Hon'ble Apex Court in <i>Delhi Race Club (1940) Ltd. & Ors Vs. State of Uttar Pradesh & Anr¹</i>. 8. On the other hand, learned Assistant Public Prosecutor seeks time to get instructions. 9. Having regard to the facts and circumstances of the case, as the allegations are civil in nature and pertains to a commercial transaction, coupled with the fact that Sections 406 and 420 of the Indian Penal Code, 1860, operate in different and distinct fields, matter requires consideration after hearing the 2nd	

¹ 2024 INSC 626

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		respondent too. 10. Hence, there shall be interim stay of all further proceedings in Crime No.182 of 2026 of Madanapalle II Town Urban Police Station, Annamayya District, for a period of ten (10) weeks. 11. List on 04.11.2026. <u>MRK, J</u> RMR	