



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

MONDAY, THE EIGHTH DAY OF DECEMBER

TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 11975/2025

Between:

1. P G PRABHAKAR REDDY, SON OF P.R.GOVINDA REDDY, AGED ABOUT 51 YEARS, DONO.26, SAPTHAGIRI NAGAR, VLASARA VAKKAM, CHENNAI-600116.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF AP, AMARAVATHI, GUNTUR DISTRICT, AP.

2. PINAKA BALARAMI REDDY, SON OF SUNDER RAMI REDDY, BUSINESS, RESIDENT AT NEW TAKIES, RESIDENCY, NELLORE-1.A.T.AGRAHARAM, KOMALA HOT OFFS STREET, HARITHA NELLORE

...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 stay of all further proceedings in C.C.No.2621 of 2019 on the file of II Additional Judicial Magistrate of First Class, Nellore dated 04.08.2025, pending disposal of the quash petition and pass

IA NO: 1 OF 2025

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 stay of all further proceedings in C.C.No.2621 of 2019 on the file of II Additional Judicial Magistrate of First Class, Nellore dated 04.08.2025, pending disposal of the quash petition and pass

Counsel for the Petitioner/accused:

1.V SURENDRA REDDY

Counsel for the Respondent/complainant(S):

1.SHAIK OMER QAIYUM

2.PUBLIC PROSECUTOR

The Court made the following:**ORDER :**

The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed by the petitioner seeking quashment of the criminal proceedings against him in Crl.M.P.No.4701 of 2024 and C.C.No.2621 of 2019, on the file of II Additional Judicial Magistrate of First Class, Nellore.

2. Heard Sri V.Surendra Reddy, learned counsel for the petitioner, Sri Omer Qayum, learned counsel for the respondent No.2 and Ms. K. Priyanka Lakshmi, learned Assistant Public Prosecutor.

3. Learned counsel for the petitioner would submit that the complainant filed an amendment petition which was allowed by the trial Court in Crl.M.P.No.4701 of 2024 in C.C.No.2621 of 2019. Learned counsel would further submit that the amendment sought is contrary to sub-section (b) of Section 138 of the Negotiable Instruments Act and contended that the provisions of Section 138(b) prescribe strict statutory requirements regarding notice and cause of action, and any amendment at this stage would violate the statutory mandate. Learned counsel would further submit that the complaint in the present case is nothing but a mere abuse of the process of law and prays to allow the petition.

4. Learned counsel for respondent No.2 vehemently opposing the petition and would submit that counsel before the trial Court failed to mention the particulars furnished by respondent No.2. Learned counsel would further submit that there is no irregularity in the orders passed by the trial Court.

Learned counsel would submit that the impugned order is a well reasoned order and does not brooke interference of this Court. Learned counsel would finally submit that the petition may be dismissed.

5. Learned Assistant Public Prosecutor would submit that Court may pass appropriate orders.

6. Considering the submissions made and as rightly put by the learned counsel for the petitioner, the Court finds that the proposed amendment substantially alters the very averments of the complaint and introduces a new cause of action which is not permissible under Section 138(b) of N.I. Act and which would cause much prejudice to the accused.

7. In that view, this criminal petition is allowed, setting aside the impugned orders dated 04.08.2025 in CrI.M.P.No.4701 of 2024 in C.C.No.2621 of 2019, on the file of II Additional Judicial Magistrate of First Class, Nellore. The learned trial Judge is directed to dispose of the case as expeditiously as possible without granting any further adjournments in casual way by mere asking.

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

Dr.VENKATA JYOTHIRMAI PRATAPA, J

Date: 08-12-2025
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HON'BLE SMT. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Crl.P.No.11975 of 2025

Dt.12.12.2025

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