

**HIGH COURT FOR THE STATE OF TELANGANA, HYDERABAD**

**MAIN CASE No: CrI.P.No.7892 of 2026**

**PROCEEDING SHEET**

| <b>Sl. No.</b> | <b>DATE</b> | <b>ORDER</b>  | <b>OFFICE NOTE</b>                                    |
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|                | 15.05.2026  | <p><b><u>EVV, J</u></b></p> <p>Notice before admission.</p> <p>Learned counsel for the petitioner is permitted to take out personal notice on respondent No.2 by SPAD and file proof of service of notice in the Registry by the next date of hearing.</p> <p>Aggrieved by the recall docket order dated 11.05.2026 passed in CrI.M.P.No.1636 of 2026 in STC.NI.No.4638 of 2022 by the learned IX Judicial Magistrate of First Class, Hyderabad, in so far as direction issued to the petitioner to appear on next date of hearing, the present criminal petition is filed.</p> <p>Learned Senior Counsel. Sri A. Giridhar Rao, appearing on behalf of the learned counsel for the petitioner submits that the petitioner, who is arrayed as accused No.4 filed a petition under Section 70(2) of Cr.P.C. seeking to recall the Non-Bailable warrant (for short "NBW") issued against him on the file of the learned IX Judicial Magistrate of First Class at Hyderabad (hereinafter referred as "trial court"). The trial court allowed the petition directing the petitioner / accused No.4 to appear on the next date of hearing for examination.</p> <p>He would further submit that on bare perusal of the order, the trial court neither gave any date for appearance nor had appreciated the fact that the</p> | <p>Tr. to I.O. folder before corrections, if any.</p> |

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|  | <p>petitioner / A4 and the other accused A1, A2, A3 and A5 approached this Court and filed CrI.P.No.2765 of 2026 seeking to quash the proceedings against them in STC.NI.No.4638 of 2022 pending on the file of the learned IX Metropolitan Magistrate Special Judicial First Class Magistrate for Excise Cases, Hyderabad, where this Court <i>vide</i> order dated 27.02.2026 had granted interim order as follows:</p> <p><i>“The presence of the petitioners therein / A1 to A5 in STC NI.No.4638 of 2022 on the file of the learned IX Metropolitan Magistrate Special Judicial First Class Magistrate for Excise Cases, Hyderabad, is dispensed with, subject to the condition that they shall be represented through their counsel on each and every date of hearing and if the presence of the petitioners is required, they shall appear before the trial court. In case of their non-appearance on the specific date fixed by the trial court for their appearance, the trial court is entitled to proceed with the matter, in accordance with law.”</i></p> <p>Learned Senior Counsel further submits that the trial court ought to have appreciated the fact that the subject matter is pending before this Court for appropriate adjudication, where quashment of the proceedings has been prayed by the petitioner along with other accused and that the petitioner is not a day to day in-charge of the company affairs and not even the signatory of the cheque in question, therefore, while the order of this Court is persisting i.e. dispensing with the appearance of the petitioner herein and that to without granting an opportunity, directing the petitioner to appear on the next date of hearing for examination would amount to non-compliance of the directions passed by the Co-ordinate Bench of this Court in CrI.P.No.2765 of 2026, dated 27.02.2026.</p> |  |
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He would further submit that complaint lodged against the petitioner under Section 138 of the N.I. Act, particularly at paragraph No.18, it is an admitted fact that the petitioner is not involved in the said complaint. He would draw the attention of this Court to the Paragraph No.18, which is extracted hereunder:

*18. The complainant submits that after return of the cheque he has tried to contact the accused no.2 and the accused no.5 on phone but the accused no.2 & the accused no.5 deliberately not lifted the calls. The complainant submits that he has got suspicion about the behaviour of the accused no.2 and verified and came to know that i). M/s. Shri Vaishnavi Builders, ii). M/s. Pragathi Infra Tech, iii). M/s. Sun Rise Developers and iv). M/s. Classic Constructions behind the back without any manner of right executed sale deed document bearing no. 2439 of 2021 dated 21-10-2021 registered at S.R.O, Secunderabad in favour of the accused no.1 represented by the accused no.2 to 5 and through which land admeasuring 7,385.73 Sq. Yards out of Ac.5-13 guntas of the above said land in Sy.No. 184,185,186 and 195 situated at Prakash Nagar, Begumpet Village, Balanagar Revenue Mandal, Medchal-Malkajgiri District (The then Ranga Reddy District) was alleged to have transferred. The complainant submits that the accused no.1 to 5 and i). M/s. Shri Vaishnavi Builders, ii). M/s. Pragathi Infra Tech, iii). M/s. Sun Rise Developers and iv). M/s. Classic Constructions colluded with each other and conspired to cheat the complainant and with that dishonest intention and conspiracy they have created a fake sale deed document bearing no. 2439 of 2021 dated 21-10-2021 registered at S.R.O, Secunderabad to defraud the complainant and in the sale deed they have shown link document i.e. invalid Sale deed document bearing no. 356 of 1969 dated 19-2-1969 and the said link document was already declared as invalid document by the Joint Collector, Ranga Reddy District (The Then A.P.) in Proceedings*

*No.F2/8455/2002 vide order dated 26-02-2005.*

Stating so, he would submit that the above paragraph itself indicates that, the petitioner was not directly involved in the negotiations or execution of the settlement agreement. Mere making averments in the complaint that accused Nos.1 to 5 intentionally entered into the subject matter cannot be inferred that the petitioner would be arrayed as accused No.4. It is further contended that paragraph No.18 of the complaint discloses that the complainant attempted to contact only Accused Nos.2 and 5, and not the present petitioner/Accused No.4. Therefore, there is no specific allegation or material to establish any direct transaction or legally enforceable liability as against the petitioner.

He would therefore submit that, on bare perusal of paragraph No.18 of the complaint, it is evident that the petitioner has been arrayed as Accused No.4, though he is neither a party to the settlement agreement nor a signatory thereto or to the cheque in question. The averments in the complaint filed under the N.I. Act also substantiate the same. In paragraph No.18, the complainant has specifically stated that Accused No.1, represented by Accused No.2, approached the complainant and informed him that Accused Nos.1 to 5 intended to develop the subject land.

This matter requires detailed examination and the facts can only be ascertained upon hearing of the respondents by way of their counters.

*Prima facie* it appears in the impugned recall docket order dated 11.05.2026, though the recall petition has been allowed by the trial court and directed the

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|  | <p>petitioner / A4 to appear before the said Court on the next date of hearing for examination, the next date of hearing is not specified in the said order and secondly prior to the impugned order dated 11.05.2026, NBWs were issued to the petitioner. Despite the Co-ordinate Bench of this Court has passed the interim order in CrI.P.No.2765 of 2026 dated 27.02.2026 dispensing with the appearance of the petitioner / A4 &amp; other accused A1, A2, A3 and A5 in STC.NI.No.4638 of 2022 subject to the condition that they shall be represented through their counsel, irrespective of the said fact, NBW's are issued to the petitioner for non-appearance.</p> <p>In the impugned order, it has also been recorded by the learned trial court that the counsel was present and since the counsel was present, further directing the petitioner to appear on the next unspecified date of hearing, would establish that the trial court has not applied its mind on the aspect that in the interim order in CrI.P.No.2765 of 2026, the appearance of the petitioner / A4 is dispensed with.</p> <p>In view of the facts and circumstances, this Court deems it appropriate to suspend the direction passed by the learned trial court directing the petitioner to appear before the trial court by the next date of hearing. Further, the appearance of the petitioner in the next date of hearing stand dispensed with and the petitioner is permitted to file a special vakalat through their counsel, who shall appear before the trial court in the said N.I. Act proceedings as N.I. Act proceedings may go on.</p> <p>Learned Additional Public Prosecutor appearing for the respondent – State is present and submits that he is only a formal party.</p> |  |
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Post this matter on 24.06.2026 along with  
Crl.P.No.2765 of 2026.

EVV, J

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