

**(SHOW CAUSE NOTICE BEFORE ADMISSION)**  
**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**  
**WEDNESDAY, THE THIRTIETH DAY OF AUGUST**  
**TWO THOUSAND AND TWENTY THREE ✓**

**:PRESENT:**

**THE HON'BLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY**  
**CRIMINAL PETITION NO: 8314 OF 2023 ✓**

**Between:**

- ✓ 1. M/s. Ganesh Technologies Private Limited, Having its registered office at Flat No.202, Manbhnum Kumar Residency, Near Shenoy Nursing Home, East Marredpally, Secunderabad-500 026.
2. M.S.M. Bhoopathy, S/o. Meenakshi Sundaram, Occ: Business, R/o.Flat No.202, Manbhnum Kumar Residency, Near Shenoy Nursing Home, East Marredpally, Secunderabad-500 026. ✓

**...Petitioner/Accused-1 and 2**

**AND**

- ✓ 1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.

**...Respondent**

2. IVRCL Limited, rep. by its Liquidator, IVRCL, Mihir No.8-2-350/A, 24/IB, Road No.2, Banjara Hills, Hyderabad.

**...Respondent/ Complainant**

- ✓ 3. Union Bank of India, Specialized Corporate Finance Branch The Belvedere, No.6-3-891 and 892 Rajbhavan Road, Somajiguda, Hyderabad-500 082.

**...Respondent/Respondent**

✓ WHEREAS the Petitioner/Accused above named through their Advocate SRI SRIKANTH HARIHARAN presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to direct the Second Respondent to forthwith invoke the Bank Guarantee for a sum of Rs.36,81,250/- vide No.1006123GFIN0065 issued by the Second Respondent and consequently adjust a sum of Rs.21,06,150/- towards the sum and due and payable by the Petitioners pursuant the order dated 11-1-2018 in CC No.69 of 2016 on the file of XII Special Magistrate, Hyderabad and consequently call for the records in CC.No.69 OF 2019 on the file of Court of the Special Metropolitan Magistrate, Hyderabad dated 11-1-2018 including Criminal Appeal No.85 of 2018 on the file of the Metropolitan Sessions Judge Hyderabad;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of SRI V. HARIHARAN, learned Senior Counsel appearing for SRI SRIKANTH HARIHARAN, Advocate for the Petitioner, PUBLIC PROSECUTOR for the Respondent No.1, directed issue of notice to the Respondent Nos.2 & 3, herein to show cause as to why this CRIMINAL PETITION should not be admitted. ✓

**You viz:**

- ✓ 1. The Liquidator, IVRCL Limited, IVRCL, Mihir No.8-2-350/A, 24/IB, Road No.2, Banjara Hills, Hyderabad.

2. Union Bank of India, Specialized Corporate Finance Branch The Belvedere, No.6-3-891 and 892 Rajbhavan Road, Somajiguda, Hyderabad- 500 082.

are directed to show cause on or before 25.09.2023 to which date the case stands posted 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.

**IA NO: 2 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings including appearance of the Petitioners in Crl Appeal No.85 OF 2018 on the file of Court of the Metropolitan Sessions Judge, Hyderabad, pending disposal of Crl.P.No.8314 of 2023, on the file of the High Court.

**The Court made the following: ORDER**

**Issue notice to respondent Nos.2 and 3.**

Learned counsel for the petitioner is also permitted to take out personal notice to respondent Nos.2 and 3 by registered post with acknowledgment due and file proof of service in the Registry before the next date of hearing.

Heard Sri V. Hariharan, learned Senior Counsel for the petitioners and learned Assistant Public Prosecutor.

Learned counsel for the petitioners contended that during the pendency of the Crl.A.No.85 of 2018 on the file of the Metropolitan Sessions Judge, Hyderabad, the parties have compromised the matter and have also filed a memo to that effect before the learned Sessions Judge. It is further contended that the Bank has to release the amount for which the respondent to withdraw the case. It is further contended that the matter is *lis-pendens* before the liquidator and that an application has been filed before the N.C.L.T., Hyderabad, seeking a direction to respondent No.1 to cooperate with the applicants for settlement, compromise, compounding and closure of the Crl.A.No.85 of 2018 on the file of on the file of the Metropolitan Sessions Judge, Hyderabad and C.C.No.69 of 2016 on the file of the XII Special Magistrate, Hyderabad. It is contended that the N.C.L.T., Hyderabad Bench - II has adjourned the matter to 15.09.2023 as last chance as the counter was not filed by the liquidator. It is further contended that the Crl.A.No.85 of 2018 on the file of on the file of the Metropolitan Sessions Judge, Hyderabad, is listed for judgment on 31.08.2023, and if the judgment is pronounced in the said criminal appeal, the efforts of getting the matter compromised will be in vain

and therefore prayed this Court to stay all further proceedings in the said criminal appeal.

Taking into consideration the fact that the parties have already compromised the matter and the Bank guarantee is being invoked and the payments can be made by the parties, this Court is of the considered view that there shall be stay of all further proceedings in Crl.A.No.85 of 2018 on the file of on the file of the Metropolitan Sessions Judge, Hyderabad till 25.09.2023.

List the matter on 25.09.2023.

//TRUE COPY//

SD/- MOHD. ISMAIL  
ASSISTANT REGISTRAR

SECTION OFFICER

To, ✓

1. The XII Special Magistrate, Hyderabad.
2. The Metropolitan Sessions Judge, Hyderabad.
3. The Liquidator, IVRCL Limited, IVRCL, Mihir No.8-2-350/A, 24/IB, Road No.2, Banjara Hills, Hyderabad.
4. Union Bank of India, Specialized Corporate Finance Branch The Belvedere, No.6-3-891 and 892 Rajbhavan Road, Somajiguda, Hyderabad- 500 082.  
(for addresses 3 & 4 by RPAD- along with a copy of petition and memorandum of grounds)
5. One CC to SRI. SRIKANTH HARIHARAN, Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad. [OPUC]
7. One spare copy ✓

**HIGH COURT**

**GAC,J**

**DATED:30/08/2023**

**NOTE: LIST THE MATTER ON 25.09.2023.**

**NOTICE BEFORE ADMISSION**

**CRLP.No.8314 of 2023**

**STAY**

