

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA
CRIMINAL PETITION NO: 7853 OF 2022

Between:

A. Parvathi Himabindu W/o A. Sateesh K umar, Aged 34 Yrs, Partner of M/s Polygon Steel Building Systems, D.No.46-16-8/1, Mandavaripeta, Dondaparthi, Visakapatham (AP) & Door No.3-42/1, Ground Floor, Vivekananda Nagar, (Behind HP Petrol Bunk), Yendada, Visakhapatnam - 530 045 (AP), Both R/o Sri Ram Properties, Villa No.DL/41, H.No.2-22/147, DL/41, Property No.139, Daffodil Villa, Yendada, Visakhapatnam - 530 045 (AP).

Petitioner/Accused No.3

AND

1. The State of Telangana and 3others, Rep by Public Prosecutor, High Court at Hyderabad
Respondent
2. M/s. Narayani Steel, Rep. by its Managing Partner Ankit Saraogi, S/o.Ashok Saraogi, At Plot No.6, Shutter No.2, 1st Floor, Dhoolapally Road, Missamma Gudem, Khazaguda, Secunderabad - 500 043.
Respondent/Complainant
3. M/s. Polygon Steel Building Systems, rep by its Partner A. Satish Kumar,D.No.46-16-8/1, Mandavaripeta, Dondaparthi, Visakapatham (AP) & Door No.3-42/1, Ground Floor, Vivekananda Nagar, (Behind HP Petrol Bunk), Yendada, Visakhapatnam - 530 045 (AP),
4. A. Satish Kumar, Partner of M/s. Polygon Steel Building Systems D.No.46-16-8 /1, Mandavaripeta, Dondaparthi, Visakapatham (AP) and Door No.3-42/1, Ground Floor, Vivekananda Nagar, (Behind HP Petrol Bunk), Yendada, Visakhapatnam - 530 045 (AP),
...Respondent/Respondents in CC
(R-3 and 4 are formal parties to this CrI.P, No relief claimed against them)

Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the CrI.P, the High Court may be pleased to call for the records and after examining the same to quash the proceedings in C.C. No.1338/2021 On the file of the court of the X Additional Chief Metropolitan Magistrate, City Criminal Courts at Secunderabad, alleged, Offence U/S 138 r/w 142 of N I Act against the petitioner herein to prevent abuse of process of Law and securing ends of justice;

IA NO: 2 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the petition, the High Court may be pleased to stay of all further proceedings in pursuance of the C.C. No.1338/2021 On the file of the court of the X Additional Chief Metropolitan Magistrate, City Criminal Courts at Secunderabad, alleged, Offence U/S 138 r/w 142 of N I Act including appearance of the petitioner, pending disposal of CRLP No.7853 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri Y Balaji Advocate for the Petitioner, The court while directing issue of notice to the Respondent No.2 herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

Heard the submission of learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner is a sleeping partner in the company which is arrayed as accused No.1 and she has not committed any offence attracting either Section 138 or 142 of the Negotiable Instruments Act, 1881, and thus, the petitioner is before this Court seeking to quash the proceedings.

In the light of the said submission, ADMIT.

Respondent No.1 is a formal party.

Issue notice to respondent No.2 through Court process.

Personal service through registered post with acknowledgment due is also permitted.

Proof of service to be filed.

Though the learned counsel for the petitioner seeks to stay the proceedings, having considered the material available on record, this Court is of the view that such a request cannot be honoured.

However, the Court of X Additional Chief Metropolitan Magistrate, City Criminal Courts, Secunderabad, is directed not to insist upon personal appearance of the petitioner who is arrayed as accused No.3 in C.C.No.1338 of 2021 that is pending on the file of the said Court until further orders.

List on 11.11.2022.

**SD/- T. KRISHNA KUMAR
DEPUTY REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The X Additional Chief Metropolitan Magistrate, City Criminal Courts, Secunderabad
2. The Station House Officer, Gandhi Nagar Police Station, Secunderabad
3. Ankit Saraogi, S/o. Ashok Saraogi, Managing Partner M/s. Narayani Steel, At Plot No.6, Shutter No.2, 1st Floor, Dhoolapally Road, Missamma Gudem, Khazaguda, Secunderabad - 500 043. (by RPAD)
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
5. One CC to Sri Y Balaji Advocate [OPUC]
6. One spare copy

HIGH COURT

DR.CSLJ

DATED:02/09/2022

List on 11.11.2022

ORDER

CRLP.No.7853 of 2022

DIRECTION

