

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
 THURSDAY, THE FOURTH DAY OF OCTOBER -
 TWO THOUSAND AND EIGHTEEN -

:PRESENT:

THE HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION NO: 10530 OF 2018

Between:

1. Vasavadatta Cement, Prop. Kesoram Industries Ltd, Rep. by its M.D./Director, Sedam Post, Gulbarga Dist., Karnataka - 585222.
2. C.K. Jain, S/o. Not Known Plant Head of Vasavadatta Cement, Sedam Post, Gulbarga Dist., Karnataka - 585222.
3. S.S. Rao @ S. Srinivasa Rao, S/o Not Known, Asst. Vice President (Civil) of Vasavadatta Cement, Sedam Post, Gulbarga Dist., Karnataka - 585222.
4. B.B. Nagaraju, Dy. Manager (Civil) of Vasavadatta Cement, Sedam Post, Gulbarga Dist., Karnataka - 585222.
5. Suresh Chincholkar, DGM (Mechanical) of Vasavadatta Cement, Sedam Post, Gulbarga Dist., Karnataka - 585222.

Petitioner/Accused

AND

1. The State of Telangana, Represented by its learned Public Prosecutor High Court Buildings, Hyderabad.
2. M/s. Gemini Infra (India) Pvt Ltd, Kingstone, B Wing, Flat No. 25, Flat No. 401, Pragathi Nagar, KPHB Colony, Cyberabad, Represented by its Director Sri Palle Prabhakar Goud, S/o. Mogilaiah Goud

Respondent/Complainant

WHEREAS the Petitioner/Accused above named through their Advocate V RAJAGOPAL REDDY 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 quash the C.C NO. 959 of 2017 on the file of the Court II AJCJ Cum XIX Metropolitan Magistrate Kukatpally at Miyapur, Cyberabad against the Petitioners/ Accused 3,4,5,6 and 7

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri V RAJAGOPAL REDDY Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Sri Palle Prabhakar Goud, S/o. Mogilaiah Goud Director M/s. Gemini Infra (India) Pvt Ltd, Kingstone, B Wing, Flat No. 25, Flat No. 401, Pragathi Nagar, KPHB Colony, Cyberabad

are directed to show cause as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted.

The Court made the following: ORDER

Notice before admission.

Learned counsel for the petitioners is also permitted to take out personal notice to respondent No.2 by registered post with acknowledgment due and file proof of service in the Registry.

The 2nd respondent-*de facto* complainant filed a private complaint against the petitioners, A.3 to A.7 and others before II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, and the learned Magistrate taken cognizance and numbered as C.C.No.959 of 2017 for the offences punishable under Sections 406, 420 and 120-B read with 34 IPC. The 2nd respondent made serious allegations against the petitioners and others with regard to cheating etc. But, the basis of complaint is, the agreement, dated 16.10.2012, is between M/s. Gemini Infra (India) Private Limited and M/s. Suyarna Karnataka Cement Pvt, for executing certain works and these petitioners are no way concerned with and that there is no privity of contract between the petitioners and the 2nd respondent.

Prima facie, since the petitioners are not parties to the agreement, I find that it is a fit case to grant stay of all further proceedings in the aforesaid Calendar Case.

Hence, there shall be interim stay of all further proceedings in C.C.No.959 of 2017 on the file of II Additional Junior Civil Judge-cum-XIX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, against the petitioners/A.3 to A.7, for a period of two (2) months.

Sd/- CH.VENKATESHWAR
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The II AJCJ cum XIX Metropolitan Magistrate Kukapally at Miyapur
2. Sri Palle Prabhakar Goud, S/o. Mogilaiah Goud Director M/s. Gemini Infra (India) Pvt Ltd, Kingstone, B Wing, Flat No. 25, Flat No. 401, Pragathi Nagar, KPHB Colony, Cyberabad (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI. V RAJAGOPAL REDDY Advocate [OPUC]
4. Two CC's to Public Prosecutor, High Court of Judicature at Hyderabad (OUT)
5. One spare copy

Avs

HIGH COURT

MSMJ

DATED:04/10/2018

NOTICE BEFORE ADMISSION

CRLP.No.10530 of 2018



DIRECTION

V