

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY ,THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 17033 OF 2016

Between:

1. GUDURU PRABHAKAR REDDY ~~AND ANOTHER~~, S/o G Raja Reddy aged 52 years, Occ business R/o Flat no. 50201, Pine Block Indu Fortune Fields gardens Phase 13, Kukatpally Housing Board Kukatpally, Hyderabad (A-1)
2. Guduru Ramma Devi, S/o G Prabhakar Reddy aged 45 years, Occ business R/o Flat no. 50201, Pine Block Indu Fortune Fields gardens Phase 13, Kukatpally Housing Board Kukatpally, Hyderabad (A-2)

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF TELANGANA., through Public Prosecutor of High Court at Hyderabad

...RESPONDENT/COMPLAINANT

2. Baddam Anantha Reddy, S/o late B Padma Reddy aged 56 years, Occ business R/o villa no. 50, Indu Fortune Fields Kukatpally Housing Board, Phase 13 Kukatpally, Hyderabad

...RESPONDENT/DEFACTO COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the complaint in CC.No. 92/2016 on the file of the court of XVI Special Magistrate at Somajiguda, Hyderabad

I.A. NO: 1 OF 2016(CRL PMP. NO: 19181 OF 2016)

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings, pursuant to the complaint in CC.No. 92/2016 on the file of the court of XVI Special Magistrate at Somajiguda, Hyderabad, pending disposal of the Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri VIVEK JAIN Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and of Sri P SHIV KUMAR Advocate for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.17033 OF 2016

ORDER :

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 is filed by the petitioners/accused Nos.1 and 2 to quash the proceedings against them in C.C.No.92 of 2016 on the file of XVI Special Magistrate, at Somajiguda, Hyderabad (now transferred to Magistrate Court at Nampally). The offence alleged against them is punishable under Section 138 of Negotiable Instruments Act.

2. Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for respondent No.1 – State. Perused the record.
3. The cheque in question is a joint account cheque and was signed by the 1st petitioner only. The 2nd petitioner has not signed on the cheque.
4. Though the account is a joint account, the account holder who signs on the cheque is only liable. Accordingly, the proceedings against the 2nd petitioner are hereby quashed but the proceedings against the 1st petitioner shall continue.

Several factual grounds are raised in the petition, which can only be decided by Trial Court.

5. Accordingly, the Criminal petition is partly allowed.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- B. SARASWATHI
ASSISTANT REGISTRAR

GB

//TRUE COPY//

SECTION OFFICER

To,

1. The Hon'ble XVI Special Magistrate at Somajiguda, Hyderabad
2. One CC to SRI. VIVEK JAIN Advocate [OPUC]
3. One CC to the P SHIV KUMAR Advocate [OPUC]
4. Two CC to SRI. PUBLIC PROSECUTOR (TG) Advocate High Court for the state of Telangana [OUT]
5. Two CD Copies.

3 KA
VH

HIGH COURT

DATED: 30/09/2023

ORDER

CRLP.No.17033 of 2016



PARTLY ALLOWED

6/2
16/10
(8)