

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7210 of 2015

ORDER :

This petition is filed by the petitioner/accused under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.400 of 2014 on the file of XV Metropolitan Magistrate, Medchal which is the outcome of private complaint filed by the 2nd respondent for the offence punishable under Section 138 of the Negotiable Instruments Act.

2) Heard the learned counsel for the petitioner and the 1st respondent-State represented by the Public prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record.

3) It is the contention of the learned counsel for the petitioner that the cheques issued four in number are as a security and thereby the same is not enforceable. For that the learned counsel drawn attention to the Court to clause No.15. In fact the M.O.U contains several clauses. It requires an interpretation, thereby it is premature for this Court to quash the calendar proceedings, but for to say it is part of the defence left open such contention to consider by the trial Court.

4) Having regard to the above, the application is disposed of giving liberty to raise all defences before the trial

Court during the course of trial. Needless to say that in the event of filing of any application filed either under Rule 37 of Criminal Rules of Practice to represent any one of the accused on behalf of other accused or under Section 205 Cr.P.C to represent through Special Vakalat in the above C.C. the learned Magistrate shall hear and permit with necessary conditions.

5) With the above observations, the criminal petition is disposed of. Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.26th August, 2015
KSH