

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.10492 and 10495 of 2015

-

COMMON ORDER :

These criminal petitions are filed by the petitioners/accused, who are wife and husband, under Section 482 Cr.P.C seeking to quash the proceedings in C.C.Nos.343 and 342 of 2015 respectively, on the file of the learned IV Chief Metropolitan Magistrate, Visakhapatnam, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

2. Heard the learned counsel for the petitioners as well as the

1st respondent-State represented by the Public Prosecutor, before admission and before ordering any notice to the 2nd respondent and perused the material on record.

3. The above calendar cases are out come of private complaint of the 2nd respondent-de facto complainant, where the learned Magistrate has taken cognizance for the offence referred supra for dishonour of the cheque and at the post cognizance stage after summons the petitioners appeared and now they are seeking to quash the calendar case proceedings, where there are continuous series of cases which in fact to be decided after full dressed trial. Hence, the material in fact falls short for this Court to admit the application to quash the

calendar case proceedings.

4. Hence, the criminal petitions are disposed of giving liberty to the **petitioners/accused** to raise all defences before the trial Court and it is further needless to say, if the petitioners file applications under Section 205 Cr.P.C., the learned Magistrate shall hear and permit them to represent through Special Vakalat holder with necessary conditions including personal appearance as and when required.

5. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

27th October 2015.

mar