

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No:9412 OF 2012

ORDER:

This petition is filed seeking to quash the proceedings in Crime No.443 of 2012 on the file of the Additional Judicial First Class Magistrate, Nandyal, Kurnool District, registered for the offences punishable under Section 138 & 142 of Negotiable Instruments Act and Section 420 of I.P.C.

The allegations in the complaint against the petitioner are that the petitioner is also working as a Doctor in C.S.I. Hospital, Nandyal and he is also responsible for issuance of the cheque to the de facto-complainant. Admittedly in the complaint it is stated that the cheque is issued on behalf of the Hospital by the Chief Operative Officer by name Dr.(MAJ) Chintha Srinivasa Rao. The Notices were also sent to the petitioner and other persons concerned, whereas it is an admitted case by the de facto-complainant that the cheque was issued by the Chief Operative Officer on behalf of the C.S.I. Hospital. In the complaint he has not added the C.S.I. Hospital as a party. There is no other allegation against the petitioner to attract an offence under Section 420 I.P.C. also.

As far as the offences under Sections 138 & 142 of the Negotiable Instruments Act are concerned, the petitioner not being the signatory or, liable to pay to the de facto-complainant herein, no offence is made out against him under Sections 138 & 142 of the Negotiable Instruments Act.

As far as the offence under Section 420 I.P.C. is concerned, the entire reading of the complaint does not disclose any intention on the part of the petitioner herein to deceive the de facto-complainant.

In the above circumstances, this Court is of the view that the proceedings in the above Crime against the petitioner are liable to be quashed. Hence, the proceedings in the above crime against the petitioner are quashed.

Accordingly, the Criminal Petition is allowed. Consequently, interim stay granted by this Court stands vacated and the miscellaneous petitions pending, if any, stand closed.

Justice Raja Elango

Date: 09th June, 2015

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