

**HON'BLE SRI JUSTICE M.S.K.JAISWAL**

**CRL.P.No.15075 of 2013**

**ORDER:**

This Criminal Petition is filed by the Petitioner-A2 to quash the proceedings initiated against her in C.C.No.342 of 2013 on the file of the I-Additional Judicial Magistrate of First Class, Nizamabad, registered for the offence punishable under Section 138 of the Negotiable Instruments Act.

Brief facts of the case are that the accused issued a cheque bearing No.53065415 dated 16.11.2012 for an amount of Rs.10,00,000/-, drawn on Union Bank of India, Mumbai Branch, towards payment of amount due to the 1<sup>st</sup> respondent-complainant and when the said cheque was presented in Union Bank of India, Nizamabad Branch, for realization, the same was bounced with an endorsement 'funds insufficient. Thereafter, after following the procedure provided for under Sections 138 and 142 of the Negotiable Instruments Act, the 1<sup>st</sup> respondent-complainant filed the private complaint and the same was taken on file by the trial Court.

Heard the learned Counsel appearing for the petitioner and the learned Counsel for the 1<sup>st</sup> respondent and also learned Public Prosecutor, representing the State.

Revision petitioner-A2 is the wife of the non petitioner-A1. A plain reading of the complaint does not disclose the role played by the revision petitioner-A2 in regard to the issue and dishonour of the cheque. The complaint does not make out any case against the petitioner-A2. The revision petitioner-A2 is not a signatory to the alleged cheque. No allegation whatsoever has been attributed against the revision petitioner-A2. In the absence of any allegation of her participation in the alleged affairs of the firm, the proceedings initiated against the revision petitioner-A2 are nothing but sheer

abuse of process of law and are liable to be quashed.

Accordingly, the Criminal Petition is allowed and the proceedings in so far as it relate to the revision petitioner-A2 in C.C.No.342 of 2013 on the file of the I-Additional Judicial Magistrate of First Class, Nizamabad, are hereby quashed. The case shall proceed against non petitioner-A1. However, the trial Court is directed to dispose of C.C.No.342 of 2013, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending shall stand closed.

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**M.S.K.JAISWAL, J**

09-07-2015

Kh/Gsn