

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Crl.P.No.6369 of 2015

ORDER :

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioner/accused to quash the proceedings in C.C.No.40 of 2011 on the file of the I Addl. Judicial Magistrate of First Class, Gudur, SPSR Nellore District, taken cognizance for the offence punishable under Sections 138 of the Negotiable Instruments Act(for short, 'the Act') on the private complaint filed by the 1st respondent/complainant.

2.Heard the learned counsel for the petitioner so also the learned Public Prosecutor representing State-2nd respondent before admission and before notice to the 1st respondent-defacto-complainant and perused the material on record.

3. As the material falls short for this Court to admit the petition to quash the proceedings in C.C.No.40 of 2014 on the file of the I Additional Judicial Magistrate of First Class, Gudur, but for to say any defence is available to the petitioner/accused, to raise in the cross-examination of P.W.1 if not chosen to come to witness box as a defence witness or to examine any witness in discharge of any burden including as to the debt is not legally enforceable and there is no debt or other liability, as the case may be. It is needless to say if the petitioner, being a Government Teacher, files any application under Section 205 of Cr.P.C. to represent through special vakalath holder, the learned Magistrate shall hear and grant permission with necessary conditions.

4. With the above observation, the **Criminal Petition is disposed of**. Consequently, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 27.08.2015

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