

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2982 OF 2016
ORDER:

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This Criminal Petition is filed by A.1 & A.2 under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C.No.332 of 2014 pending on the file of IV Additional Judicial First Class Magistrate, Nellore for the offence under Sections 138 and 142 of Negotiable Instruments Act.

Learned counsel for the petitioners seeks to quash the impugned proceedings on the ground that even prior to the deposit of the cheque in question, the petitioners have transferred huge amount by way of RTGS and the present cheque is not issued towards legally enforceable debt. Further, the learned counsel for the petitioners wants to rely on the minutes of the meeting of the company, wherein a resolution was passed regarding the transaction.

This Court is of the view that all those disputed questions of facts can be decided by the trial Court only after full-fledged trial. That apart, the petitioners have failed to issue reply notice to the statutory notice issued by the complainant. Considering the same, this Court is not inclined to interfere with the impugned proceedings at this stage.

In the result, the Criminal Petition fails and the same is dismissed. However, considering the facts and circumstances of the case, the presence of the petitioners before the trial Court is dispensed with except on the dates so specifically the trial Court insists for their appearance. The petitioners are directed to be represented by a counsel on all hearing dates.

Miscellaneous petitions, if any, pending, shall stand

closed.

JUSTICE RAJA ELANGO

08.03.2016

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