

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.3979 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/A-3 in C.C.No.258 of 2015 pending on the file of XXV Special Magistrate, Erramanzil, at Hyderabad, arising out of a private complaint filed under Section 138 of Negotiable Instruments Act, 1881.

Heard and perused the material available on record.

The offence alleged against the petitioner is punishable under Section 138 of Negotiable Instruments Act. Admittedly, a private complaint is filed by the second respondent/complainant, alleging dishonour of cheque given towards legally enforceable debt. A reading of complaint reveals some allegations against the petitioner, the truth of which can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioner.

In any event, considering the nature of allegations wherein the question of identity of the petitioner/A-3 does not arise, presence of the petitioners before the trial Court is dispensed with except on the dates when her presence is essentially required for the purpose of framing of charges and also for examination under Section 313 Cr.P.C. However, the petitioner/A-3 shall be properly represented through her counsel before the trial Court.

Accordingly, the Criminal Petition is disposed of. Consequently, the Miscellaneous Petitions pending in this petition, if any, shall stand closed.

RAJA ELANGO, J

Date: 22-03-2016

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