

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**Criminal Petition No.1902 of 2016**

**ORDER:**

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused in C.C.No.264 of 2015 pending on the file of IX Special Magistrate's Court, Erramanzil, Hyderabad (old C.C.No.136 of 2006 on the file of VII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad) arising out of private complaint filed under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881.

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

The main grievance of the petitioner is that for the same transaction and on similar set of facts, the 2<sup>nd</sup> respondent/de facto complainant filed a private complaint, which was referred to the concerned police under Section 156 (3) Cr.P.C. and the police registered the same as Crime No.116 of 2006 for the offences punishable under Section 420, 406 and 471 read with Section 34 IPC. Learned counsel for the petitioner invited the attention of the Court to the observation made by the learned Sessions Judge in the order dated 27-06-2008 in CrI.M.P.No.1905 of 2008 in Crime No.116 of 2006 filed for grant of anticipatory bail, wherein it is observed that the loan was cleared off by the petitioner and filed a suit for recovery of the amount. She further stated that the allegations in the present complaint and the allegations in the said case are one and the same and hence, the proceedings in the present case are liable to be quashed on that ground alone.

It is evident from the material on record that the facts in the present case and the facts in Crime No.116 of 2006, though both the cases are stated to be arose out of same transaction, are entirely different and do not stand in the way of similar footing, as the facts in Crime No.116 of 2006 arose out of the allegations of cheating, forgery and other related offences and the present case relates to dishonor of cheques issued towards discharge of legally enforceable debt. The reliance placed by the learned counsel for the petitioner on the observations made in CrI.M.P.No.1905 of 2008 in Crime No.116 of 2006 with regard to clearing off the debt is of no avail to the facts of the present case, as it is only a perception of a Judge that is made relating to that case, which cannot be taken as an aid to the present case. Apart from that, the reliefs sought in the present case and the reliefs sought in Crime No.116 of 2006 are entirely different and not related to each other.

Having regard to the above facts and circumstances, this Court is of the view that it is not a fit case to quash the proceedings and hence, the criminal petition is liable to be dismissed.

Accordingly, the criminal petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending, shall stand closed.

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**RAJA ELANGO, J**

Date: 08-03-2016

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