THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.6092 of 2016

ORDER

This petition under Section 482 Cr.P.C. is filed by the petitioners/accused seeking to quash the proceedings in C.C.No.875 of 2015 on the file of II Special Munsiff Magistrate, Vijayawada, registered for the offences punishable under Sections 138 and 142 of Negotiable Instructions Act, 1881, against them.

2. It is alleged in the complaint that the accused had taken the property of the complainant on lease for the purpose of business vide lease agreement dated 01.02.2007 with monthly rent @ Rs.2 lakhs apart from service tax payable to the Government. Accordingly, the accused issued cheques in favour of the complainant for payment of rents. Thereafter, the accused vacated the said property and delivered the same to the complainant on 05.10.2011 and issued two cheques for a sum of Rs.1,90,000/- each towards arrears of rent. When the accused presented those cheques in the Bank, the same were dishonoured due to insufficiency of funds. Hence, after following due procedure, the complainant filed the present complaint against the accused.

3. Heard and perused the material on record.

4. Since the matter arising out of financial transactions, it has to be decided after full fledged trial and therefore, this Court is not inclined to interfere with the impugned proceedings. At this stage, learned counsel for the petitioners confined his argument to the extent that the presence of 2nd petitioner before the trial Court may be dispensed with. In view of the same, the presence of the 2nd petitioner before the trial Court is dispensed with except on the dates whenever his presence is insisted by the trial Court and he shall be represented by his counsel.

5. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

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RAJA ELANGO, J

25th April, 2016
sj