

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5475 OF 2016

ORDER:

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This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 by the petitioner/A-2 seeking to quash the proceedings in C.C.No.338 of 2015 on the file of the X Special Magistrate, Hyderabad at Erramanzil.

2. Heard and perused the material available on record.
3. The offence alleged against the petitioner is punishable under Section 138 of the Negotiable Instruments Act, 1881.
4. Learned counsel for the petitioner/A-2 mainly contended that the petitioner is not a signatory to the cheque in question and hence, he prays to quash the proceedings against the petitioner in the aforementioned case.
5. Even as per the complaint lodged by the *de facto* complainant, the petitioner is the wife of A-1, who along with the petitioner, availed a loan of Rs.5,00,000/- from the *de facto* complainant. When the same was asked to be returned by the *de facto* complainant, A-1 issued the cheque in question and when the same was presented for collection, the same was returned with an endorsement "insufficient funds". Further, the petitioner as well A-1 are arrayed as accused in their individual capacities. Admittedly, the petitioner is not a signatory to the cheque in question. Hence, this Court is of the view that pendency of the case against the petitioner amounts to abuse of process of law and hence, it is a fit case to quash the proceedings against the petitioner.
6. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioner/A-2 in C.C.No.338 of 2015 on the

file of the X Special Magistrate, Hyderabad at Erramanzil.

Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

19.4.2016

AMD

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Date: 19.4.2016

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