

**THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO**  
**CRIMINAL PETITION No.6084 of 2013**

**ORDER:**

In this Petition filed under Section 482 Cr.P.C., the petitioner/accused seeks quashment of the Proceedings in C.C.No.493 of 2011 on the file of Judicial First Class Magistrate, Bhadrachalam, Khammam District, whereunder the petitioner is charged for the offence under Section 138 of Negotiable Instruments Act( for short “ NI Act’).

The main ground, on which the petitioner seeks quashment of the proceedings is that there are differences between her and her husband and the complainant filed C.C.No.493 of 2011 with false allegations at the instance of her husband.

Heard both sides.

During the course of hearing, learned counsel for the petitioner sought to substantiate her plea that there were some differences between the petitioner/accused and her husband and her husband goaded the complainant to file a false complaint by referring FIR No.126 of 2012 on the file of Nuzvid Town Police Station stating that on the report given by the petitioner/accused, the police of Nuzvid Town Police Station registered FIR 216 of 2012 against the husband of the petitioner, the present complainant and others.

Learned counsel for petitioner referred the said FIR No.216 of 2012 and submitted that the petitioner herein

complained that the accused therein colluded together and fabricated some false cheques and promissory notes as if they executed by petitioner herein in their favour and that case is now pending. Learned counsel thus submitted that in view of the said complaint, it is clear that the allegations in C.C.493 of 2011 are all false and fabricated by the second respondent/complainant in order to implicate the petitioner for an offence under Section 138 of N.I. Act and thus sought for quashment of the proceedings.

Per contra, learned counsel for second respondent/complainant submitted that the allegations in the FIR No.216 of 2012 are false and nothing to do with C.C.No.493 of 2011 and in fact, the trial in C.C.No.493 of 2011 is completed and the matter is coming up for arguments and at that belated stage, the petitioner filed the instant petition, only to protract the litigation. He, thus, sought for dismissal of the petition.

In the light of above rival submissions, the point for consideration is :

“ Whether there are any merits in the petition to allow? ’.

As can be seen from the respective contentions, the main ground on which the petitioner seeks quashment of the proceedings in C.C.No.493 of 2011 is that the complainant filed a false case against the petitioner due to instigation of her husband with whom the petitioner is having some differences. Be that it may, whether the complaint is offshoot of evil advice of

petitioner's husband or not can be decided only by the trial Court after recording the evidence and not in the instant quash petition.

It is informed to this Court that the trial in C.C.No.493 of 2011 is completed and the matter is coming up for arguments. In that view of the matter, the petitioner can vindicate her defence stand before the trial Court by taking all the necessary pleas that are legally available to her.

With the above observation, this Criminal Petition is dismissed.

Consequently, the miscellaneous petitions, if any, pending, in this case, shall stand closed.

**U. DURGA PRASAD RAO, J**

Date: 12.04.2016  
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Dt. 12.04.2016

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