

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2719 OF 2016

-
ORDER:
-
-

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 by the petitioner/accused seeking to quash the proceedings in C.C.No.440 of 2015 on the file of the Special Metropolitan Magistrate at Hayathnagar, Cyberabad.

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 contended that three cases are pending between the parties and they entered into a compromise and part amount was also received by the *de facto* complainant, but subsequently, she is not coming forward to compound the offence.
5. The ground raised by the learned counsel for the petitioner is not a sufficient ground to quash the proceedings. A reading of the complaint reveals some allegations against the petitioner, truth of which can be ascertained only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioner.
6. After arguing for sometime, learned counsel for the petitioner while not pressing for the main prayer, confined his arguments only to the extent of dispensing with the presence of the petitioner before the trial Court.
7. Considering the facts and circumstances of the case and in view of the submission of the learned counsel, the presence of the petitioner before the trial Court is dispensed with except on the dates on which the learned Magistrate insists for his appearance. The petitioner shall

be properly represented through his counsel before the trial Court.

8. Subject to the above, the Criminal Petition is dismissed. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

22.3.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-
-
-
-

CRIMINAL PETITION No.2719 OF 2016

-
-
-

Date: 22.3.2016

AMD