

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.14293 OF 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.546 of 2015 on the file of the Judicial First Class Magistrate, Nandyal, Kurnool District, for the offences punishable under Sections 138-A, 138-B & 142 of Negotiable Instruments Act, 1881 and Section 420 of I.P.C.

Learned counsel for the petitioner drawn the attention of this Court to the receipt dated 15.12.2012 whereunder the petitioner paid an amount of Rs.75,000/- towards 1st instalment, 2nd instalment of Rs.25,000/- on 16.12.2015 and 3rd instalment of Rs.1,50,000/- on 08.02.2016. Thus, it is stated that the petitioner in total, paid an amount of Rs.2,50,000/- towards the debt due to the complainant and covered by cheque bearing No.627055 drawn on Andhra Pragathi Grameena Bank at Yemmiganur.

It appears that the payment is made only after receiving summons from the Court on his appearance in three instalments. It is nothing but settling the matter.

The Apex Court in ***Damodar S. Prabhu v. Sayed Babalal H¹*** had stipulated certain guidelines with regard to the progression of litigation in cheque bouncing cases which are as follows:

¹ (2010) 5 Supreme Court Cases 663

“(a) That directions can be given that the Writ of Summons be suitably modified making it clear to the accused that he could make an application for compounding of the offences at the first or second hearing of the case and that if such an application is made, compounding may be allowed by the court without imposing any costs on the accused.

(b) If the accused does not make an application for compounding as aforesaid, then if an application for compounding is made before the Magistrate at a subsequent stage, compounding can be allowed subject to the condition that the accused will be required to pay 10% of the cheque amount to be deposited as a condition for compounding with the Legal Services Authority, or such authority as the Court deems fit.

(c) Similarly, if the application for compounding is made before the Sessions Court or a High Court in revision or appeal, such compounding may be allowed on the condition that the accused pays 15% of the cheque amount by way of costs.

(d) Finally, if the application for compounding is made before the Supreme Court, the figure would increase to 20% of the cheque amount.”

Hence, the Trial Court is directed to pass appropriate orders in C.C.No.546 of 2015 subject to compliance of the directions issued by the Apex Court in **Damodar S. Prabhu's** case (referred supra).

With the above direction, the criminal petition is disposed of.

Consequently, miscellaneous applications pending if any shall stand closed. No costs.

M. SATYANARAYANA MURTHY, J

Date:10.11.2016
SP