

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.171 & 172 OF 2017

Paresh s/o Babulal Mehta, Ramdashpeth, Nagpur

Vs.

The State of Maharashtra, Thr. PSO, PS Sadar, Nagpur and anr.

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 Office Notes, Office Memoranda of Coram,
 appearances, Court orders or directions
 and Registrar's orders

Court's or Judge's Order

Shri R. M. Daga, Advocate for applicant.
 Shri H. D. Dubey, APP for non-applicant No.1/State.
 Shri D. C. Daga, Advocate for non-applicant No.2.

CORAM: P. N. DESHMUKH, J.

DATED: April 07, 2017.

Learned counsel for the applicant seeks leave to amend the cause title of the application by correcting the name of respondent No.2-Firm and its Director as reflects in the complaint. Leave granted as prayed for. Amendment be carried out forthwith.

By these applications it is prayed that complaints bearing S.C.C. Nos.53009/2016 and 5310/2016 filed against the applicant under Section 138 of the Negotiable Instruments Act, 1881 pending on the file of 24th Jt. Civil Judge, (JD) and J.M.F.C. (Special Court of N.I.Act), Nagpur be quashed.

Learned counsel for the applicant contended that the applicant is no way concerned with the transaction involved in the

complaint. He points out that applicant is shown as accused No.1 in both the above numbered complaints and same be therefore quashed so far as the applicant is concerned.

Learned counsel for non-applicant No.2 submitted that applicant came to be prosecuted on an information received from the brothers of applicant as he was stated to be one of the Directors and signatories of the firm. However he conceded that on obtaining information from the relevant department it revealed that applicant is in no way connected with the firm and has therefore no objection if both the above numbered complaints are dismissed in so far applicant Paresh B. Mehta is concerned.

In that view of the matter following order is passed :

Criminal Application Nos.171 and 172 of 2017 are allowed.

S.C.C.Nos.5309/2016 and 5310/2016 filed against the present applicant Paresh B. Mehta under Section 138 of the N.I. Act stand dismissed in so far as said applicant is concerned.

Needless to say that process issued against the said applicant stands quashed and set aside.

Both the applications are disposed of accordingly.

JUDGE