

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.6800 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioners in C.C.No.85 of 2011 on the file of the XI Additional Chief Metropolitan Magistrate at Secunderabad.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 2nd respondent. None appears for the 1st respondent in spite of notice.

3. The counsel for the petitioners mainly relies on a letter that was issued by A1, wherein it was mentioned that the cheques were issued only as a security deposit and the same were acknowledged by the representative of R1-Company. He also brings the attention of this Court to the complaint, which was filed by the petitioners herein, against the complainant, for return of the cheques. But, however, this Court opines that the truth of the allegations contained in both the complaints and also the letter issued by the 1st petitioner has to be adjudicated and whether the cheques issued are for legally enforceable debt or not has to be decided only after letting in sufficient evidence.

4. In view of the above, this Court opines that this is not a case fit for quash. However, the plea of the petitioners' counsel to dispense with the presence of the petitioners can be considered and the Court below is directed not to insist upon the

presence of the petitioners unless it is necessary for the proceedings of the case.

With the above observations, the Criminal Petition is dismissed. Interim stay granted by this court in CrI.P.M.P.No.7018 of 2011, dated 09.08.2011, shall stand vacated.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

December 14, 2017
LMV

T. RAJANI, J

