

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6981 of 2017

ORDER:

The petitioner is the accused in S.T.C.No.156 of 2014 on the file of the Special Magistrate, Hindupur, Anantapur District, which is an outcome of the private complaint of the 2nd respondent, registered for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

The learned Magistrate taken cognizance from the accrual of cause of action and after compliance of the statutory requirements from the dishonour of the cheque.

The contentions raised in the quash petition to quash the said S.T.C. by the petitioner/accused are that the cheque in question was a forged cheque and bank also returned when presented as signature differs, the petitioner also issued way back in the year 2013 before use of the alleged cheque dated 07.02.2014 bearing No.761547 of the cheque was used in giving complaint and again in 2016 also he has given another complaint saying the signatures on the cheque are forged by the complainant and in view of the same, there is no sustainability of the very complaint and the same is liable to be quashed.

Heard learned counsel for the petitioner with reference to the contentions supra and also learned Public Prosecutor representing the State, before ordering notice to respondent No.2.

The said defences are available to the petitioner by filing an application under Section 251 Cr.P.C. as laid down by the Apex Court in Bhushan Kumar v. State (NCT of Delhi)¹ and Arvind Kumar Kejriwal and others v. Amit Sbal and another ²

Accordingly, by giving such liberty, this Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 09.08.2017
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¹ 2012(5) SCC 424

² 2014 SCC Online Del 212