

THE HON' BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.792 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is filed by the petitioner/ Accused No.2 requesting to quash the proceedings in Crime No.149 of 2016 of Godhavarikhani II Town Police Station, Karimnagar District, presently Peddapally District.

The petitioner, who is arraigned as Accused No.2 in the aforesaid crime, alleged to have committed an offence punishable under Section 420 of the Indian Penal Code (IPC).

Heard Sri S.Surender Reddy, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Telangana on behalf of respondent No.1.

Learned counsel for the petitioner pleads innocence and false implication of the petitioner. He has projected the allegations leveled by the defacto complainant. According to him, the entire attack of the defacto complainant is against Accused No.1 and the petitioner was only instrumental in giving the cheque, basing on which the present complaint was lodged leveling the allegations of the offence punishable under Section 420 of IPC by the defacto complainant when the cheque was bounced.

Be that as it may, when the cheque was issued by the petitioner, who is Accused No2, certainly, it is not a case where it can be said that there is no *prima facie* allegation making out the commission of a cognizable offence. In such an event, certainly, the proceedings in the present crime cannot be quashed.

Accordingly, the Criminal Petition is dismissed at the stage of admission itself. It is needless to mention that the Investigating Officer would follow the procedure under Section 41-A of Cr.P.C during the course of investigation.

Miscellaneous applications, if any pending in the present petition, stand closed.

JUSTICE A. SHANKAR NARAYANA

02.02.2017
v v

