

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6853 of 2017

ORDER:

Heard learned counsel for the petitioner/accused of C.C.No.308 of 2015 on the file of IV Additional Chief Metropolitan Magistrate, Visakhapatnam, which is outcome of private complaint of the 2nd respondent-defacto complainant for the offence under Section 138 of Negotiable Instruments Act.

The several grounds urged by the petitioner in quash petition prima facie shows a strong defence to say that there is no legally enforceable debt between the complainant and the accused, however, that itself is not sufficient for the Court to quash the C.C. proceedings, but for left open to raise all available defence before the trial Court including if at all to file under Section 251 Cr.P.C. as laid down by the Apex Court in **Bhushan Kumar Vs. State (NCT of Delhi)**¹ and **Arvind Kejriwal & Others Vs. Amit Sibal and Another**².

Accordingly and in the result, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 07.08.2017
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¹ 2012 (5) SCC 424

² 2014 SCC online Del 212