

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1085 of 2017

ORDER:

This criminal petition is filed by the petitioner/A-3 seeking for quashing of the further proceedings in C.C.No.110 of 2016, on the file of XI Special Metropolitan Magistrate Court, Errummanzil, Hyderabad.

2. Heard learned counsel for the petitioner and learned Public Prosecutor and with their consent, the criminal petition is disposed of at the admission stage.

3. The counsel for the petitioner contends that the accused No.3, who is the petitioner herein, is not responsible for the day-to-day affairs of the company and, hence, the proceedings needs to be quashed.

4. A perusal of the averments of the complaint at paragraph No.1 would show that there is a clear averment made that A-2 and A-3 are the directors/signatories of the cheques and they are responsible for day-to-day affairs of the business. Hence, the effort of the counsel in taking the help of the ruling in **A.K. Singhania Vs. Gujarat State Fertilizer Company Limited and another**¹ fails, as the Apex Court in the said ruling held that the averments as regards the business affairs of the company being looked after by the accused should be clear, in order to proceed against the accused. As already observed in this case, there is a clear averment that this petitioner is also responsible in the day-to-day business of the company. Hence, in view of the above, the petition of the petitioner cannot be allowed.

5. Hence, the Criminal Petition is dismissed.

¹ (2013) 16 Supreme Court Cases 630

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

JUSTICE T. RAJANI

Date: 12th October, 2017

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