

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.8816 OF 2017

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in C.C.No.1495 of 2015 on the file of the II Additional Judicial First Class Magistrate, Huzurabad, the petitioner allegedly committed the offence punishable under Section 138 of the Negotiable Instruments Act.

But, during hearing, learned counsel for the petitioner contended that the petitioner has already paid 50% of the amount due to the second respondent and filed receipt evidencing payment of Rs.4 lakhs dt.25.07.2017 and agreed to pay balance, if any due and requested this Court to recall N.B.W. pending against this petitioner. But, this Court cannot exercise such power under Section 482 Cr.P.C. and the petitioner is given liberty to file appropriate petition under Section 70(2) Cr.P.C. to recall N.B.W. on his appearance before the Court and the learned Magistrate is directed to dispose of such application on the same day, after giving notice to the second respondent-complainant.

With the above observation and direction, the criminal petition is dismissed.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:19.09.2017
ccm

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